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U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

November 7, 2018

Mr. John Greenewald
The Black Vault
[redacted]
john@greenewald.com

Re: DOJ-2016-005340 (AG)
DOJ-2016-005341 (DAG)
CLM:LAD

Dear Mr. Greenewald:

This is responds to your Freedom of Information Act (FOIA) request dated and received in this Office on September 12, 2016, seeking communications between the Federal Bureau of Investigation and the Department of Justice regarding the investigation into the use of a private email server by former Secretary of State Hillary Clinton. This response is made on behalf of the Offices of the Attorney General and Deputy Attorney General.

Please be advised that searches were conducted in the Offices of the Attorney General and Deputy Attorney General(OAG/ODAG), as well as of the electronic database of the Departmental Executive Secretariat, which is the official records repository for the OAG and ODAG, and 600 pages were located among the OAG files that contain records responsive to your request. The search conducted in the Office of the Deputy Attorney General did not identify any custodians likely to have responsive records.

I have determined that 556 pages are appropriate for release with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6), which pertains to certain inter- and intra-agency communications protected by the deliberative process privilege and information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Additionally 44 pages containing records responsive to your request are being withheld in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). For your information, the withheld material consists of talking points, a draft speech, and congressional hearing preparation materials. Please note that because the enclosed pages also contain records that are not responsive to this request, they have not been processed and are marked accordingly.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552 (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Douglas Hibbard, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001; telephone at 202-514-3642; or facsimile at 202-514-1009.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Carmen L. Mallon
Chief of Staff

Enclosures

POLITICO

From:	POLITICO
Sent:	Tuesday, July 5, 2016 11:21 AM
To:	Franklin, Shirlethia (OAG)
Subject:	BREAKING NEWS: FBI recommends no charges against Clinton in email probe

FBI Director James Comey announced that an investigation has uncovered that while Hillary Clinton "used several different" email servers and numerous devices during her time as secretary of state, the agency is not recommending the Justice Department bring charges against Clinton.

"Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case. Prosecutors necessarily weigh a number of factors before deciding whether to bring charges," Comey said.

Comey prefaced the announcement by saying that he has not coordinated his statement with the Justice Department or any other government agency.
"They do not know what I'm about to say," Comey said, thanking the agents who worked on the case.

Read more: http://www.politico.com/story/2016/07/fbi-recommends-no-charges-against-clinton-in-email-probe-225102

To change your alert settings, please go to https://secure.politico.com/settings

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This email was sent to shirlethia.franklin@usdoj.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To unsubscribe, http://www.politico.com/_unsubscribe?e=00000155-bba3-ddce-a957-ffebb9f10000&u=0000014e-f116-dd93-ad7f-f91722a30000&s=c26161cd9ed91bfc71bdb1eb4d9d5d94b290bd7fe0820fd86e4a03fe702a01e19f8f56af7f70af6801bf3de4305bb32dcf96e74a9bd8154c9094436ece429ce4

Newman, Melanie (OPA)

From:	Newman, Melanie (OPA)
Sent:	Tuesday, July 5, 2016 11:49 AM
To:	Carlisle, Elizabeth
Cc:	Pokorny, Carolyn (OAG); Axelrod, Matthew (ODAG); Franklin, Shirlethia (OAG); Lewis, Kevin S. (OPA); Kadzik, Peter J (OLA); Herwig, Paige (OAG); Amuluru, Uma (OAG)
Subject:	FW: TRANSCRIPT – FBI Press Conference
Attachments:	TRANSCRIPT - FBI Press Conference 7.5.16.docx

AG Lynch –

Please see below the transcript from today's FBI Press Conference:

TRANSCRIPT – FBI Press Conference
July 5, 2016

DIRECTOR COMEY: Good morning. I'm here to give you an update on the FBI's investigation of Secretary Clinton's use of a personal e-mail system during her time as Secretary of State. After a tremendous amount of work over the last year, the FBI is completing its investigation and referring the matter for Department of Justice for a prosecutive decision. What I want to do today is three things. I want to tell you what we did; I want to tell you what we found and what we're recommending to the Department of Justice. This is going to be an unusual statement in at least a couple of ways. First, I'm going to include more detail about our process than I ordinarily would because I think the American people deserve those details in a case of intense public interest. And second, I have not coordinated this statement or reviewed it in any way with the Department of Justice or any other part of the government. They do not know what I'm about to say. I want to start by thanking the FBI employees who did remarkable work in this case. Once you have a better sense of how much we have done, you will understand why I am so grateful and so proud of their work.

So first, what we have done. This investigation began as a referral from the Intelligence Community Inspector General in connection with Secretary Clinton's use of a personal e-mail server during her time as Secretary of State. The referral focused on whether classified information was transmitted on that personal system. Our investigation looked at whether there is evidence that classified information was improperly stored or transmitted on that personal system in violation of a federal statute that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way. Or a second statute making it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. Consistent with our counterintelligence responsibilities, we have also investigated to determine if there is evidence of computer intrusion by nation states or by hostile actors of any kind.

Now I have so far used the singular term e-mail server in describing the referral that began our investigation. It turns out to have been more complicated than that. Secretary Clinton used several different servers and administrators of those servers during her four years at the State Department, and she also used numerous mobile devices to send and read e-mail on that personal domain. As new servers and equipment were employed, older servers were taken out of service, stored and decommissioned in various ways. Piecing all of

that back together to gain as full an understanding as possible of the ways in which personal e-mail was used for government work has been a painstaking undertaking requiring thousands of hours of effort.

For example, when one of Secretary Clinton's servers was decommissioned in 2013, the e-mail software was removed. That didn't remove the e-mail content, but it was like removing the frame from a huge unfinished jigsaw puzzle and then dumping all the pieces on the floor. The effect was that millions of e-mail fragments ended up in the server's unused or slack space. We searched through all of it to understand what was there and what parts of the puzzle we could put back together again. FBI investigators also read all of the approximately 30,000 e-mails that Secretary Clinton provided to the State Department in 2014. Where an e-mail was assessed as possibly containing classified information, the FBI referred that e-mail to any government agency that might be an owner of that information so that agency could make a determination as to whether the e-mail contained classified information at the time it was sent or received or whether there was reason to classify it now, even if the content has not been classified when it was first sent or received. That's the process sometimes referred to as up-classifying.

From the group of 30,000 e-mails returned to the State Department in 2014, 110 e-mails in 52 e-mail chains have been determined by the owning agency to contain classified information at the time they were sent or received. Eight of those chains contained information that was top secret at the time they were sent. 36 of those chains contained secret information at the time. And eight contained confidential information at the time. That's the lowest level of classification.

About 2,000 additional emails were up-classified to make them confidential. Those emails had not been classified at the time they were sent or received. The FBI also discovered several thousand work-related emails that were not among the group of 30,000 emails returned by Secretary Clinton to state in 2014. We found those emails in a variety of ways. Some had been deleted over the years and we found traces of them on servers or devices that have been connected to the private email domain. Others we found by reviewing the archive government accounts of people who had been government employees at the same time as Secretary Clinton, including high ranking officials at other agencies, folks with whom a secretary of state might normally correspond. this helped us recover work-related emails that were not among the 30,000 produced to state. Still others we recovered from that painstaking review of the millions of email fragments dumped into the slack space of the server that was decommissioned in 2013. With respect to the thousands of emails we found not among those produced to the State Department, agencies have concluded that three of those were classified at the time they were sent or received, one at the secret level and two at the confidential level. There were no additional top secret emails found.

Finally, none of those we found have since been up-classified. I should add here that we found no evidence that any of the additional work-related emails were intentionally deleted in an effort to conceal them in some way. Our assessment is that, like many email users, Secretary Clinton periodically deleted emails or emails were purged from her system when devices were changed. Because she was not using a government account or even a commercial account like Gmail, there was no archiving at all of her emails. It's not surprising that we discovered emails that were not on Secretary Clinton's system in 2014 when she produced those 30,000-some emails to state. It could also be that some of the additional work-related emails that we've recovered were among those deleted as personal by her lawyers when they reviewed and sorted her emails for production in late 2014. The lawyers doing the sorting for secretary clinton in 2014 did not individually read the content of all of her emails as we did for those available to us. Instead, they relied on header information and used search terms to try to find all work-related emails among the reportedly more than 60,000 that were remaining on her system at the end of 2014. It's highly likely that their search missed some work-related emails and that we later found them. For example, in the mailboxes of other officials or in the slack space of a server. It's also likely that there are other work-related emails they did not produce to state and that we did not find elsewhere and that are now gone because they deleted all emails they did not produce to state, and the lawyers then cleaned their devices in such a way as to preclude complete forensic recovery. We have conducted interviews and

done technical examination to attempt to understand exactly how that sorting was done by her attorneys. Although we don't have complete visibility because we're not able to fully reconstruct the electronic record of that sorting, we believe our investigation has been sufficient to give us reasonable confidence there was no intentional misconduct in connection with that sorting effort. And of course, in addition to our technical work, we interviewed many people, from those involved in setting up the personal email system and maintaining the various iterations of Secretary Clinton's server to staff members with whom she corresponded on email, to those involved in email production to state and finally Secretary Clinton herself. Last, we have done extensive work to try to understand what indications there might be of compromise by hostile actors in connection with that personal email system. So that's what we've done. Now let me tell you what we found.

Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information. For example, seven email chains concerned matters that were classified at the top secret special access program at the time they were sent and received. Those chains involve Secretary Clinton both sending emails about those matters and receiving emails about those same matters. There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position or in the position of those with whom she was corresponding about those matters should have known an unclassified system was no place for that conversation. In addition to this highly sensitive information, we also found information that was properly classified as secret by the U.S. intelligence community at the time it was discussed on email. That is excluding any later up-classified emails. None of these emails should have been on any kind of unclassified system. But their presence is especially concerning because all these emails were housed on unclassified personal servers, not even supported by full-time security staff like those found at agencies and departments of the United States government or even with a commercial email service like Gmail. I think it's also important to say something about the marking of classified information. Only a very small number of the emails here containing classified information bore markings that indicated the presence of classified information. But even if information is not marked classified in an email, participants who know or should know that the subject matter is classified are still obligated to protect it.

While not the focus of our investigation, we also developed evidence that the security culture of the State Department in general and with respect to the use of unclassified systems in particular was generally lacking in the kind of care for classified information that's found elsewhere in the U.S. government. With respect to potential computer intrusion by hostile actors, we did not find direct evidence that Secretary Clinton's personal email domain in its various configurations since 2009 was hacked successfully. But given the nature of the system and of the actors potentially involved, we assess we would be unlikely to see such direct evidence. We do assess that hostile actors gained access to the private, commercial email accounts of people with whom Secretary Clinton was in regular contact from her personal account. We also assess that Secretary Clinton's use of a personal email domain was both known by a large number of people and readily apparent. She also used her personal email extensively while outside the United States, including sending and receiving work-related emails in the territory of sophisticated adversaries. Given that combination of factors, we assess it is possible that hostile actors gained access to Secretary Clinton's personal email account. So that's what we found.

Finally, with respect to our recommendation to the Department of Justice. In our system, the prosecutors make the decisions about whether charges are appropriate based on evidence that the FBI helps collect. Although we don't normally make public our recommendations to the prosecutors, we frequently make recommendations and engage in productive conversations with prosecutors on what resolution may be appropriate given the evidence. In this case, given the importance of the matter, I think unusual transparency is in order. Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case. Prosecutors necessarily weigh a number of factors before deciding whether to bring charges, their obvious considerations like the strength of the evidence,

especially regarding intent. Responsible decisions also consider the context of a person s actions and how similar situations have been handled in the past. In looking back at our investigations into the mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of clearly intentional and willful mishandling of classified information or vast quantities of information exposed in such a way as to support an inference of intentional misconduct or indications of disloyalty to the United States or efforts to obstruct justice. We do not see those things here. To be clear, this is not to suggest that in similar circumstances, a person who engaged in this activity would face no consequences. To the contrary, those individuals are often subject to security or administrative sanctions, but that's not what we're deciding now. as a result, although the Department of Justice makes final decisions on matters like this, we are expressing to justice our view that no charges are appropriate in this case.

I know there will be intense public debate in the wake of this recommendation as there was throughout the investigation. What I can assure the American people is that this investigation was done honestly, competently and independently. No outside influence of anyin was brought to bare. I know there were many opinions expressed by people not part of the investigation including people in government, but none of that mattered to us. Opinions are irrelevant, and they were all uninformed by insight into our investigation because we did our investigation the right way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way. I couldn't be prouder to be part of this organization. Thank you very much.

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Newman, Melanie (OPA)

From: Newman, Melanie (OPA)
Sent: Tuesday, July 05, 2016 3:34 PM
To: Carlisle, Elizabeth
Cc: Pokorny, Carolyn (OAG); Franklin, Shirlethia (OAG); Amuluru, Uma (OAG); Kadzik, Peter J (OLA); Herwig, Paige (OAG); Lewis, Kevin S. (OPA)
Subject: FBI Director Announcement Press Clips
Attachments: PressClips-FBIAnnouncement.docx

AG Lynch

Press clips on today's FBI presser are below. Thanks.

Department of Justice
Press Clips- FBI Announcement re: Clinton Email Investigation
As of July 5, 2016 at 2:45 p.m.

Associated Press: No Charges Recommended in Clinton Email Probe, FBI Says (Eric Tucker and Ken Thomas)

Reuters: FBI Ending Clinton Email Probe, Will Not Recommend Prosecution: Director (John Whitesides)

Reuters: FBI to Recommend No Charges in Clinton Email Probe, Director Says (John Whitesides and Julia Edwards)

The New York Times: F.B.I. Recommends No Charges Against Hillary Clinton for Use of Personal Email (Mark Landler)

The Washington Post: FBI Recommends No Criminal Charges in Clinton Email Probe (Matt Zapotosky and Rosalind Helderman)

The Wall Street Journal: FBI Won't Recommend Criminal Charges Against Hillary Clinton Over Private Email Use (Kate O'Keefe and Byron Tau)

Fox News: FBI Director Comey Recommends No Criminal Charges Over Clinton Emails

NBC News: FBI Recommends No Criminal Charges Against Hillary Clinton (Corky Siemaszko)

Bloomberg: How the FBI's Clinton E-Mail Decision Just Changed the 2016 Race (Michael C. Bender)

Forbes: FBI Calls Hillary's E-Mail Habits `Extremely Careless' But Not Criminal (Daniel Fisher)

Forbes: GOP Will Be Hard-Pressed To Attack FBI's Comey For Recommending No Charges Against Clinton (Jeremy Bogaisky)

The Atlantic: Comey: 'No Reasonable Prosecutor Would Bring Such a Case' (Priscilla Alvarez)

TIME Magazine: FBI Recommends No Criminal Charges Against Hillary Clinton in Email Case (Maya Rhodan)

TIME Magazine: Donald Trump Slams 'Rigged System' After FBI Recommends No Criminal Charges for Hillary Clinton (Katie Reilly)

TIME Magazine: Paul Ryan Says FBI's Hillary Clinton Email Decision 'Defies Explanation' (Rosalie Chan)

Aljazeera: FBI Recommends No Charges in Clinton Email Probe

Politico: FBI Recommends No Charges Against Clinton in Email Probe (Nick Gass and Nolan D. McCaskill)

Politico: Kaine: I'm 'Not Surprised' FBI Not Recommending Charges Against Clinton (Louis Nelson)

Politico: The 7 Key Findings in the FBI's Clinton Email Probe (Louis Nelson)

Financial Times: FBI Advises No Charge Over Clinton Emails (Demetri Sevastopulo)

ABC News: FBI Recommends No Charges Should Be Filed Against Hillary Clinton (Meghan Kenealy, Geneva Sands)

ABC News: Donald Trump Calls FBI's Email Recommendation on Hillary Clinton 'Very Unfair' (Veronica Stracqualursi)

CBS News: FBI: No Charges Against Hillary Clinton Are Appropriate For Email Server Use (Rebecca Shabad)

USA Today: 'Extremely Careless,' But FBI Advises No Charges For Clinton's Emails (David Jackson and Kevin Johnson)

USA Today: Trump: FBI Decision on Clinton Emails was 'Rigged' (David Jackson)

USA Today: Clinton Campaign 'Pleased' with FBI Decision on Emails (Heidi Przybyla)

USA Today: Paul Ryan, GOP Officials Blast Clinton over FBI Email Findings (Eliza Collins)

U.S. News & World Report: FBI Recommends No Charges Against Clinton in Email Scandal (Curt Mills)

Los Angeles Times: FBI Recommends No Prosecution in Hillary Clinton Email Case (Del Quentin Wilber and David Lauter)

Chicago Tribune: An 'Extremely Careless' Hillary Clinton: The FBI's Damning Non-indictment (Editorial Board)

BBC: FBI Recommends No Charges Against Hillary Clinton Over Emails

Buzzfeed: The FBI Recommends No Criminal Charges Against Hillary Clinton Over Email Use (Kyle Blaine and Chris Geidner)

The Guardian: FBI Director Recommends 'No Charges' After Ending Clinton Email Investigation (Dan Roberts, David Smith)

Independent: FBI Director Says 'No Charges' for Hillary Clinton Amid Email scandal (Rachael Revesz)

Telegraph: FBI Recommends No Criminal Charges Against Hillary Clinton in Email Scandal (Nick Allen and David Lawler)

Irish Times: FBI Recommends No Criminal Charges Over Hillary Clinton Emails (Simon Carswell)

CBC News: FBI Recommends No Charges Against Clinton in Email Probe

News Corp Australia: FBI: Hillary Clinton Should Not Be Charged Over Her Private Email Server

PBS: FBI Director Recommends 'No Charges' Over Clinton's Emails

Business Insider: FBI Recommends No Charges for Hillary Clinton Over Use of Email Servers (Maxwell Tani)

Fortune: Hillary Clinton Is Off The Hook Legally, But Not Politically (Ben Geier)

Vox: FBI Director Says "No Reasonable Prosecutor" Would Indict Clinton Over Emails, (Andrew Prokop)

Mother Jones: The Hillary Clinton Email Case Will Never Be Over (David Corn)

The Verge: The FBI Recommends Not to Indict Hillary Clinton for Email Misconduct (Russell Brandom)

NPR: FBI Recommends No Charges For Hillary Clinton In Email Server Case (Camila Domonoske)

CNBC: FBI's Comey Says 'No Reasonable Prosecutor' Would Bring a Case Against Clinton for Emails (Everett Rosenfeld)

MSNBC: FBI Director: Clinton Shouldn't Face Charges in Email Flap (Steve Benen)

Daily News: FBI Director James Comey Says 'No Charges Are Appropriate' for Hillary Clinton Email Scandal, but She Was 'Extremely Careless' (Jason Silverstein)

The Washington Times: FBI Recommends No Charges Against Hillary Clinton (Stephen Dinan)

The Washington Times: FBI on Hillary's Emails: Equal Justice Under the Law No More (Judson Phillips)

Mic: FBI Director James Comey: "No Charges Are Appropriate" in Hillary Clinton Email Scandal (Emily Cahn)

Elle Magazine: Hillary Clinton Will Not Face Criminal Charges in FBI Investigation (Mattie Khan)

Voice of America: FBI Director: No Charges Appropriate in Clinton Email Case (Sharyl Atkisson)

The Hill: FBI Recommends No Charges Against Clinton (Julian Hattem)

U.S. Weekly: Hillary Clinton Email Investigation: FBI Recommends No Charges but Says Staff Was 'Careless' (Meghan French)

Breitbart: FBI Director James Comey Made 5 Damning Claims About Hillary's Emails…But Decided Not to Indict! (Patrick Howley)

Law Newz: FBI Director Comey Says No Reasonable Prosecutor Would Bring Charges Against Hillary Clinton (Chris White)

Trunews: Hillary Clinton Gets FBI Pass on Email Scandal (Emily Flitter)

_____

Associated Press: No Charges Recommended in Clinton Email Probe, FBI Says (Eric Tucker and Ken Thomas)
http://bigstory.ap.org/article/f9d071a7d1f5401696d825d46c34e4ff/fbi-says-it-wont-recommend-charges-clinton-email-matter

The FBI won't recommend criminal charges against Hillary Clinton for her use of a private email server while secretary of state, agency Director James Comey said Tuesday, lifting a major legal threat to her presidential campaign. But Comey called her actions "extremely careless" and faulted the agency she led for a lackadaisical approach to handling classified material.

Comey's decision almost certainly brings the legal part of the issue to a close and removes the threat of criminal charges. Attorney General Loretta Lynch said last week that she would accept the recommendations of the FBI director and of career prosecutors.

"No charges are appropriate in this case," Comey said in making his announcement.

But Comey made that statement after he delivered a blistering review of Clinton's actions, saying the FBI found that 110 emails were sent or received on Clinton's server containing classified information. He added it was possible that people hostile to the U.S. had gained access to her personal email account.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information," he said.

Comey contradicted Clinton's past explanations in the case that she had turned over all of her emails and that she had never sent or received any emails that were classified at the time. The FBI chief said that in the course of the investigation, 110 emails in 52 email chains were determined to contain classified information at the time they were sent or received. He also found that "several thousand work-related emails" were not among the group of 30,000 emails Clinton turned over in 2014.

Yet after criticizing Clinton, her aides and the department for their actions, he said that after looking at similar circumstances in past inquiries, the FBI believed that "no reasonable prosecutor would bring such a case."

Comey made the announcement just three days after the FBI interviewed Clinton in a final step of its yearlong investigation into the possible mishandling of classified information.

He said he shared the FBI's findings with no one else in the government before making his announcement, which came just hours before Clinton was to travel with President Barack Obama on Air Force One to campaign together for the first time this year.

The declaration from Comey is unlikely to wipe away many voters' concerns about Clinton's trustworthiness, especially since the FBI director so thoroughly criticized her actions before delivering his verdict.

"There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position ... should have known that an unclassified system was no place" for sensitive conversations, Comey said.

Nor will the recommendation stop Republican presidential candidate Donald Trump, who has called for criminal charges, from continuing to make the server a campaign issue or suggesting Clinton was helped by a Democratic administration. After Comey's announcement, Trump tweeted, "The system is rigged ... Very very unfair! As usual, bad judgment."

House Speaker Paul Ryan of Wisconsin, a Republican, said the decision not to prosecute Clinton defied explanation, adding: "No one should be above the law."

Clinton campaign spokesman Brian Fallon said they were pleased with the decision but reiterated that it was a "mistake" for Clinton to use personal email.

Clinton's personal email server, which she relied on exclusively for government and personal business, has dogged her campaign since The Associated Press revealed its existence in March 2015.

She has repeatedly said that no email she sent or received was marked classified, but the Justice Department began investigating last summer following a referral from the inspectors general for the State Department and the intelligence community.

The scrutiny was compounded by a critical audit in May from the State Department's inspector general, the agency's internal watchdog, which said that Clinton and her team ignored clear warnings from department officials that her email setup violated federal standards and could leave sensitive material vulnerable to hackers. Clinton declined to talk to the inspector general, but the audit said that she had feared "the personal being accessible" if she used a government email account.

The Clinton campaign said agents interviewed her this past Saturday for three and one-half hours at FBI headquarters. Agents had earlier interviewed top Clinton aides including her former State Department chief of staff, Cheryl Mills, and Huma Abedin, a longtime aide who now is the vice chairwoman of Clinton's campaign.

The staff member who set up the server, Bryan Pagliano, was granted limited immunity from prosecution by the Justice Department last fall in exchange for his cooperation.

Lynch said Friday that she would accept whatever findings and recommendations were presented to her. Though she said she had already settled on that process, her statement came days after an impromptu meeting with Bill Clinton on her airplane in Phoenix that she acknowledged had led to questions about the neutrality of the investigation.

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Reuters: FBI Ending Clinton Email Probe, Will Not Recommend Prosecution: Director (John Whitesides)
http://www.reuters.com/article/us-usa-election-clinton-emails-idUSKCN0ZL1US

The FBI will recommend to the Justice Department that no prosecution is warranted as a result of its yearlong investigation into Hillary Clinton's use of a private email server while secretary of state, agency Director James Comey said on Tuesday.

Comey said the probe found there was evidence of extremely careless handling of emails by Clinton, now the presumptive Democratic presidential nominee, and that at least 110 emails contained classified information at the time they were sent.

But he said the FBI's judgment was that "no reasonable prosecutor" would bring charges against Clinton, who had a voluntary 3-1/2-hour interview with the Federal Bureau of Investigation on Saturday in Washington.

"Although the Department of Justice makes final decisions on matters like this, we are expressing to Justice our view that no charges are appropriate in this case," Comey told reporters in Washington.

Comey said, however, there was "evidence of potential violations of the statutes regarding the handling of classified information."

The FBI has been investigating whether Clinton broke the law as result of a personal email server kept in her Chappaqua, New York, home while she was secretary of state from 2009 to 2013. One of the questions is whether she mishandled classified information on the server.

The investigation has dogged Clinton's campaign for the past year, as she and her staff struggled to respond to accusations that her use of the server in violation of State Department protocol indicated she was untrustworthy and considered herself above the law.

Republican presidential candidate Donald Trump has said the investigation should disqualify Clinton from being president.

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Reuters: FBI to Recommend No Charges in Clinton Email Probe, Director Says (John Whitesides and Julia Edwards)
http://www.reuters.com/article/us-usa-election-clinton-emails-idUSKCN0ZL1US

The FBI will recommend to the U.S. Justice Department that no charges be filed over Hillary Clinton's use of private email servers while secretary of state, agency Director James Comey said on Tuesday, lifting a cloud of uncertainty over her White House campaign.

The Federal Bureau of Investigation found evidence of "extremely careless" handling of emails by Clinton and that at least 110 emails contained classified information when they were sent, said Comey, announcing the result of a yearlong investigation.

But, he said, the FBI concluded "no reasonable prosecutor" would bring charges against the presumptive Democratic presidential nominee.

"Although the Department of Justice makes final decisions on matters like this, we are expressing to Justice our view that no charges are appropriate in this case," Comey told reporters in Washington.

His recommendation will likely stand. The country's top prosecutor, U.S. Attorney General Loretta Lynch, said on Friday that she would accept the recommendations of career prosecutors and the FBI director on whether to charge Clinton for mishandling emails.

The FBI probe has dogged Clinton for the past year, contributing to her low poll ratings on honesty and trustworthiness. Republicans pointed to the controversy as evidence that she considered herself above the law.

Donald Trump, Clinton's Republican rival in the Nov. 8 election, has hammered her on the issue, saying the investigation should disqualify her from being president. On Tuesday, he said the FBI decision was unfair.

"The system is rigged," he said on Twitter. "As usual, bad judgment."

Comey's announcement came hours before Clinton's first campaign appearance with President Barack Obama, set for later Tuesday in North Carolina. It also came less than three weeks before the start of the Democratic National Convention at which Clinton is to be nominated.

The Clinton campaign issued a statement saying it was "pleased" with the FBI decision.

'GLAD MATTER RESOLVED'

"As the secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that this matter is now resolved," spokesman Brian Fallon said.

Clinton has repeatedly said she never sent or received classified information on her private servers. She underwent a voluntary 3-1/2-hour interview with the FBI on Saturday in Washington.

Comey said, however, there was "evidence of potential violations of the statutes regarding the handling of classified information."

But he said the FBI did not find that Clinton or her colleagues intended to violate the law, and that there was no "intentional misconduct" by her lawyers who sorted her emails.

He said her staff should have known Clinton's private email was an improper place for classified information, but there was no evidence that anyone had hacked Clinton's communications.

Comey said there were no previous cases that supported filing criminal charges against Clinton. Other cases had involved intentional mishandling of information, he said, and there was no evidence Clinton knew she was violating the law.

Last year, the FBI recommended that former CIA director David Petraeus be charged with a felony for his mishandling of classified information with his biographer, with whom he was having an affair.

In that case, however, the FBI had evidence that Petraeus knew the information was highly classified. Petraeus eventually pleaded guilty to a misdemeanor charge of mishandling classified information.

Republican lawmakers have called for an independent investigation of Clinton, saying they do not trust the Justice Department to handle the inquiry with impartiality.

Republican criticism of the process heated up after Clinton's husband, former President Bill Clinton, met privately with Attorney General Lynch in Phoenix last week. Lynch, who was appointed by Obama, later said she regretted the meeting and said she and Bill Clinton did not discuss the investigation.

House of Representatives Speaker Paul Ryan, the highest ranking elected Republican, said Comey's announcement "defies explanation."

"Based upon the director's own statement, it appears damage is being done to the rule of law. Declining to prosecute Secretary Clinton for recklessly mishandling and transmitting national security information will set a terrible precedent," Ryan said.

"The American people will reject this troubling pattern of dishonesty and poor judgment," he said.

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The New York Times: F.B.I. Recommends No Charges Against Hillary Clinton for Use of Personal Email (Mark Landler)
http://www.nytimes.com/2016/07/06/us/politics/hillary-clinton-fbi-email-comey.html?_r_0

The F.B.I. director, James B. Comey, said on Tuesday that the bureau would not recommend criminal charges in Hillary Clinton's handling of classified information, lifting an enormous legal cloud from her presidential campaign, hours before her first joint campaign appearance with President Obama.

But Mr. Comey rebuked Mrs. Clinton as being "extremely careless" in using a personal email address and server for sensitive information, declaring that an ordinary government official could have faced administrative sanction for such conduct.

To warrant a criminal charge, Mr. Comey said, there had to be evidence that Mrs. Clinton intentionally sent or received classified information something that the F.B.I. did not find. "Our judgment is that no reasonable prosecutor would bring such a case," he said at a news conference.

The Justice Department is highly likely to accept the F.B.I.'s instruction. Attorney General Loretta Lynch said on Friday that she would accept the recommendation of the F.B.I. and career prosecutors in the case, after questions were raised about an impromptu meeting between her and former President Bill Clinton at an airport in Phoenix.

Mr. Comey's statement came three days after F.B.I. investigators interviewed Mrs. Clinton, a sign that the case was winding down. He described an elaborate yearlong investigation, in which the F.B.I. examined multiple servers, read 30,000 emails and interviewed dozens of people.
A private email server used by Hillary Clinton while she was secretary of state has been the focus of a half-dozen inquiries and legal proceedings.

During the investigation, Mr. Comey said, the F.B.I. recovered additional work-related emails that Mrs. Clinton's lawyers had not turned over to the State Department, including some that contained classified information. But he said there was no evidence that she or her lawyers had intentionally deleted or withheld them.

Still, Mr. Comey delivered what amounted to an extraordinary public tongue-lashing. "There is evidence to support a conclusion," he said, that Mrs. Clinton "should have known that an unclassified system was no place for that conversation."

The news conference by Mr. Comey concluded an investigation that began a year ago when the inspector general for the intelligence agencies told the Justice Department that he had found classified information among a small sampling of emails Mrs. Clinton had sent and received.
The inspector general, I. Charles McCullough III, said that the emails contained information that was classified at the time they were sent but were not marked classified, and that the information should never have been sent on an unclassified system.

The discovery of Mrs. Clinton's email practices grew out of a request by the House Select Committee on Benghazi for communications between Mrs. Clinton and other officials surrounding the September 2012 attack on the diplomatic outpost in Benghazi, Libya, that killed four Americans, including Ambassador J. Christopher Stevens.

As lawyers for the State Department gathered materials, they discovered that Mrs. Clinton had used a personal, nongovernment address for her email and routed the messages through a server, kept in her home in Chappaqua, N.Y.

After a negotiation between the State Department and Mrs. Clinton's lawyers, she agreed to turn over 55,000 pages of email from her time as secretary of state. She withheld email roughly half the total number of messages that she said touched on personal issues, from yoga classes to the flower arrangements for her daughter's wedding.

The State Department turned over to the House committee roughly 800 emails pertaining to Benghazi. Mrs. Clinton asked the department to release the remaining trove of emails, which set off a

complicated, politically charged process of vetting each one to determine whether it contained classified information.

The C.I.A., the State Department and other agencies reviewed the emails, designating hundreds of them with varying levels of classification.

Mrs. Clinton has asserted that she did not send or receive any information marked classified at the time it was sent. But about two dozen emails were designated "top secret," the highest level of classificati on, and Mrs. Clinton's critics say she jeopardized national security.
Several of those pertained to the C.I.A.'s drone program in Pakistan, which is a covert program, though it is widely reported in the Pakistani and American news media.

###
The Washington Post: FBI Recommends No Criminal Charges in Clinton Email Probe (Matt Zapotosky and Rosalind Helderman)
https://www.washingtonpost.com/world/national-security/fbi-chief-plans-remarks-to-media-amid-heightened-focus-on-clinton-email-probe/2016/07/05/a53513c4-42b9-11e6-bc99-7d269f8719b1_story.html

FBI Director James B. Comey said Tuesday that his agency will not recommend criminal charges against Hillary Clinton for her use of a private email server as secretary of state, but called Clinton and her staff "extremely careless" in handling sensitive material.

The stunning announcement means that Clinton will not have to fear criminal, legal liability as her campaign moves forward, though Comey leveled sharp criticism at the past email practices of the presumptive Democratic presidential nominee and called into question many of the defenses she has raised in recent weeks.

The FBI director said those who acted as Clinton and her staffers did were "often subject to security or administrative sanctions," though in comparing her case with similar investigations in t he past, they could not find any of the aggravating factors that typically lead to the filing of criminal charges.

"Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case," Comey said. He said while the ultimate decision would be left up to the Department of Justice, the FBI was expressing its view "that no charges are appropriate in this case."

A spokesman for the U.S. Attorney's Office in the Eastern District of Virginia, whose prosecutors are involved in the case, declined to comment. A Justice Department spokeswoman said she was preparing a possible response.

The Hillary for America campaign said in a statement: "We are pleased that the career officials handling this case have determined that no further action by the Department is appropriate. As the Secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that this matter is now resolved."

The announcement which came only about 72 hours after FBI agents interviewed Clinton, and only about a week after former president Bill Clinton had an impromptu meeting with U.S. Attorney General

Loretta Lynch aboard her plane immediately sparked criticism that the outcome of the high-profile probe was a foregone conclusion, influenced heavily by political considerations.

Presumptive Republican presidential nominee Donald Trump tweeted, "The system is rigged," and asserted that former general and CIA director David Petraeus, who pleaded guilty to a misdemeanor charge of mishandling classified information, "got in trouble for far less." Petraeus was accused ofturning over highly classified information to a woman with whom he was having an affair, and agents believe he lied to the FBI, though he was never charged with that particular crime.

U.S. House Speaker Paul Ryan (R-Wisc.) said in a statement that Comey's announcement "defies explanation."

"No one should be above the law. But based upon the director's own statement, it appears damage is being done to the rule of law," Ryan said. "Declining to prosecute Secretary Clinton for recklessly mishandling and transmitting national security information will set a terrible precedent."

Comey did not take questions, though he acknowledged in his statement that his recommendation would create "intense public debate" and defended the bureau's work as apolitical.

"I know there were many opinions expressed by people who were not part of the investigation including people in government but none of that mattered to us," Comey said. "Opinions are irrelevant, and they were all uninformed by insight into our investigation, because we did our investigation the right way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way."

While he recommended no criminal charges, Comey nevertheless systematically dismantled the public explanations Clinton has offered to reassure the public about her email system for the last 15 months.

When it was first revealed that Clinton used a personal email account during her years in office, Clinton first said that she had never sent or received classified material through the account. She later amended those statements to say that her emails contained no information that was clearly marked as classified. Her supporters also insisted that a finding of sensitive material by the State Department and other government agencies was retroactive, a judgement by bureaucrats after the fact to "upgrade" material to a classified level.

Comey dismissed each of those explanations. He said that a careful analysis by officials from multiple agencies found there was classified material and that in 110 emails, the information was sensitive enough to be classified at the time it was sent, not just after the fact. Seven email chains included information that was properly classified as "top secret" dealing with "special access programs," the very highest level of classification. He confirmed that Clinton herself authored some of the most concerning emails and that the conversations were sufficiently sensitive that a person in her job should have known they contained classified material.

"There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those with whom she was corresponding about these matters, should have known that an unclassified system was no place for that conversation," Comey said. He said that while only a very small number were properly marked as classified, "even if information is not marked classified in an

email, participants who know or should know that the subject matter is classified are still obligated to protect it."

Clinton has also always insisted that she submitted to the State Department all of her work related correspondence from her time as secretary. Comey said the FBI had recovered thousands of work related emails that had not been turned over, though he added investigators found no evidence of misconduct in their deletion.

Clinton assured the public that there was no evidence her server or devices had been hacked. Comey agreed there was no such evidence but concluded that the lack of a clear intrusion should give no confidence that the system had not been breached. He specifically noted Clinton's practice of sending and receiving emails while traveling in foreign countries with sophisticated surveillance technology. He also said that multiple people with whom Clinton regularly communicated on the system are known to have been hacked. And that the private set-up was not protected by government security staff assigned to protect government email. "Given that combination of factors," he said, "we assess it is possible that hostile actors gained access to Secretary Clinton's personal email account."

Comey also revealed new details about the system's set-up, undermining Clinton's promise that she had already been fully transparent about her system. For instance, Clinton and her aides have routinely referred to the server that had been maintained in her home. Comey for the first time revealed that Clinton had used multiple different servers during her time in office.

It is unclear who will make the ultimate decision not to charge Clinton. On Friday, Lynch announced that she would accept recommendations from career prosecutors and FBI agents leading the probe a decision that she said had been made before her impromptu, social meeting with Bill Clinton, but one that was surely meant to quiet criticism about the independence of the probe.

###

The Wall Street Journal: FBI Won't Recommend Criminal Charges Against Hillary Clinton Over Private Email Use (Kate O'Keefe and Byron Tau)
http://www.wsj.com/articles/fbi-won-t-recommend-clinton-be-indicted-over-private-email-use-1467731774

FBI Director James Comey said Tuesday that Hillary Clinton was "extremely careless" in handling classified information while secretary of state and added scores of emails on her personal server contained highly classified information but he said the FBI won't recommend criminal charges against the presumptive Democratic presidential nominee.
In a 15-minute statement at FBI headquarters, Mr. Comey said that after an exhaustive, apolitical investigation, the FBI found that "no reasonable prosecutor would bring such a case."

The final decision on charges will be made by top Justice Department officials, but the FBI recommendation is likely to carry great weight in the case. Mr. Comey began his remarks by saying no one at the Justice Department or any other government agency knew what he was about to propose. While the announcement is a major positive development for the Clinton camp, Mr. Comey's comments were hardly uncritical of Mrs. Clinton, saying she and her State Department colleagues were irresponsible in their handling of national secrets.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information," Mr. Comey said.

The FBI director also insisted that the recommendation was made without outside influence. Mrs. Clinton's husband, former President Bill Clinton, met several days ago with Attorney General Loretta Lynch, leading to widespread criticism that such a meeting was inappropriate. Mrs. Lynch later said she regretted the meeting and intended to accept the recommendation of the FBI and professional prosecutors regarding any charges.

"Only facts matter, and the FBI found them here in an entirely apolitical and professional way," Mr. Comey said.

The recommendation against charges could help bring to an end a political drama that has dogged Mrs. Clinton's campaign for nearly a year and a half.

Still, Mrs. Clinton's ratings on trustworthiness have been damaged by the email matter, and Republicans have made it clear they'll make ethics a central part of the fall campaign. Presumptive Republican presidential nominee Donald Trump has taken to calling Mrs. Clinton "Crooked Hillary" on the campaign trail, saying her alleged lapses on the email issue make her unfit for the White House.

Within minutes of Mr. Comey's announcement, Donald Trump said in tweet: "The system is rigged" adding, "FBI director said Crooked Hillary compromised our national security. No charges. Wow!"

House Speaker Paul Ryan (R., Wis.), said in a statement: "While I respect the law-enforcement professionals at the FBI, this announcement defies explanation. No one should be above the law."

Mr. Comey's comments lambasting the handling of sensitive information by Mrs. Clinton and her colleagues due to her decision to use a personal email server for her government work could provide plenty of grist for such attacks.

A leading Republicans said Mrs. Clinton's conduct was irresponsible even if she was not charged. "This is still very troubling," House Majority Leader Kevin McCarthy (R., Calif.) told reporters. Mr. McCarthy said Mr. Comey's statement undermined Mrs. Clinton's claims that she was not mishandling classified information. "We know now that was not true," he said.

Several organizations have filed their own lawsuits in to obtain emails and other government documents from Mrs. Clinton's tenure as secretary of state, and those could still yield new information.

Even so, the conclusion of the FBI investigation helps lift some of the clouds hanging over the Clinton campaign. Coupled with the recent report of a House committee on the terrorist attacks on Benghazi, which provided few significant new details, it allows Mrs. Clinton to head into her party's convention with the high-profile official probes into her record seemingly over.

Mrs. Clinton is expected to campaign with President Barack Obama in North Carolina on Tuesday, flying with the president on Air Force One in their first joint campaign appearance of the year.

###

Fox News: FBI Director Comey Recommends No Criminal Charges Over Clinton Emails
http://insider.foxnews.com/2016/07/05/fbi-director-comey-announces-no-charges-hillary-clinton-over-private-emails

FBI Director James Comey said he is not recommending criminal charges over Hillary Clinton's use of a private email server when she was secretary of state.

"We are expressing our view that no charges are appropriate in this case," said Comey, adding that the investigation was done "competently and independently" and that he knows the recommendation will bring scrutiny.

The announcement comes after Clinton was interviewed Saturday by the FBI for three-and-a-half hours.

Comey said that despite his recommendation that "no reasonable prosecutor would bring such a case," the final decision rests with the Department of Justice.

###

NBC News: FBI Recommends No Criminal Charges Against Hillary Clinton (Corky Siemaszko)
http://www.nbcnews.com/politics/hillary-clinton/fbi-recommends-no-criminal-charges-against-hillary-clinton-n603926

Hillary Clinton was careless when she used a personal email server during her tenure in the State Department but there is no evidence she committed a crime, the FBI chief announced Tuesday.

The FBI "did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information," James Comey said. But "there is evidence that they were extremely careless in their handling of very sensitive, highly classified information."

"Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case," Comey said. Comey said they also found "no evidence that any of the additional work-related e-mails were intentionally deleted in an effort to conceal them."

"We also assess that Secretary Clinton's use of a personal e-mail domain was both known by a large number of people and readily apparent," he said.

Clinton used several different servers and numerous mobile devices, he said, adding that the FBI sifted through some 30,000 emails she had provided to the State Department.

Federal investigators found:

110 emails sent or received on Clinton server contained classified information. Eight of those were top secret, the highest level of classification.

It's possible that "hostile actors" gained access to Clinton's personal email account. "She also used her personal e-mail extensively while outside the United States, including sending and receiving work-related e-mails in the territory of sophisticated adversaries," Comey said.

There was "no intentionality" on Clinton's part to violate any laws.

Attorney General Loretta Lynch has already said she would abide by the FBI's recommendation and by the advice of career DOJ prosecutors.

Clinton was addressing a National Education Association summit in Washington, D.C., while Comey was making his announcement. She made no mention of the FBI probe.
But Clinton campaign spokesman Brian Fallon weighed in with a statement.

"We are pleased that the career officials handling this case have determined that no further action by the Department is appropriate," he said. "As the Secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that this matter is now resolved."

Fallon's statement did not addresss Clinton's long-held assertion, now refuted by the FBI, that she never sent or received emails marked classified at the time on her private account.

Clinton was questioned for over three hours Saturday by FBI agents inve stigating whether she mishandled classified information submitted on server.

"I've been eager to do it and I was pleased to have the opportunity to assist the department in bringing its review to a conclusion," Clinton told NBC News' Chuck Todd after the interview.

Clinton critics have called for an independent investigation into the emails, arguing the Justice Department may not be impartial. They pointed to a recent airport meeting between Lynch and former President Bill Clinton as further proof that the DOJ is biased.

Donald Trump, the presumptive Republican presidential nominee, quickly registered his dismay:
House Speaker Paul Ryan, a Wisconsin Republican, said the FBI's decision not to recommend charges against Clinton "defies explanation."

"Based upon the director's own statement, it appears damage is being done to the rule of law," Ryan said in a statement. "Declining to prosecute Secretary Clinton for recklessly mishandling and transmitting national security information will set a terrible precedent. "

Comey, a Republican, insisted that politics played no consideration in the investigation and said he "couldn't be prouder" of the work done by the FBI.

"What I can assure the American people is that this investigation was done competently, honestl y, and independently," he said. "I know there were many opinions expressed by people who were not part of the investigation including people in government but none of that mattered to us."

###

Bloomberg: How the FBI's Clinton E-Mail Decision Just Changed the 2016 Race (Michael C. Bender)

http://www.bloomberg.com/politics/articles/2016-07-05/how-the-fbi-s-clinton-e-mail-decision-just-changed-the-2016-race

Donald Trump lost one of his sharpest attacks against Hillary Clinton's presidential bid after the FBI director said Tuesday the presumptive Democratic nominee shouldn't face criminal charges over her e-mail practices while serving as secretary of state.

But Director James B. Comey also provided potentially damaging fodder for Trump to continue to vilify Clinton, whom Trump is seeking to brand as "crooked." While Comey said "no reasonable prosecutor" would bring charges, he described her and her aides' use of e-mail as "extremely careless."

After Trump called Clinton "guilty as hell" during his campaign and said she deserved to go to jail, the presumptive Republican presidential nominee was left with no choice on Tuesday but to attack the judicial process itself as corrupt.

"The system is rigged," Trump wrote in one Twitter post within minutes of Comey's announcement, the speedy response underscoring the political importance of the decision. "FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem," Trump wrote in a second tweet.

House Speaker Paul Ryan echoed the attack in a less harsh tone, saying it "appears damage is being done to the rule of law" by ignoring the "criminal actions" by Clinton that he said the investigation uncovered.

The Clinton campaign was slower to react, issuing a short statement noting her "mistake to use her personal email."

"We are glad that this matter is now resolved," Clinton spokesman Brian Fallon said.
It was unclear how much Comey's conclusions would marginalize an issue that has threatened Clinton's presidential aspirations from the start, or whether the decision would dilute the potency of Trump's main criticism of the Washington establishment.

The charge of a rigged system has become a trademark for Trump, who has used similar adjectives to attack the political system and nearly all aspects of Washington. He may have a harder time getting it to stick this time. While President Barack Obama nominated Comey as the head of the FBI, the director is a Republican who backed Obama's opponents in 2008 and 2012. He served as deputy attorney general under former President George W. Bush, a Republican, launching an investigation that led to the conviction of a top aide to Vice President Dick Cheney.

Comey began his remarks on the investigation into Clinton's e-mail practices by openly acknowledging the doubts his probe faced, and confronted them head on. "They do not know what I am about to say," he told reporters in Washington, referring to his superiors at the Justice Department and the White House.

And he closed by predicting that an "intense public debate" would follow, hoping that his assurance that "no outside influence of any kind was brought to bear" would ultimately win out.

Trump has tried to leverage polling that shows voters say he is more believable than Clinton, a charge that could be strengthened by Comey's rebuke.

“Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of the classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information,” Comey said.

Trump was judged more honest and trustworthy than Clinton, 45 percent to 37 percent, in a Quinnipiac University national poll of registered voters conducted June 21-27. His next public appearance is Tuesday night in North Carolina, where Obama and Clinton are campaigning on Tuesday as well.

Clinton’s use of private e-mail has been a political anvil around her campaign's neck. The issue dominated her news conference in March 2015, about a month before she officially announced her bid for the White House, as she responded to the first reports about her e-mail system.

Questions about the e-mails resurrected many of the same political attacks that have been used for years against Clinton, giving her opponents the opportunity to paint her as manipulative, dishonest, and acting as if she were above the law. Nearly all of the major Republican presidential candidates in 2016 used the issue to criticize her.

Her one brief respite was when Senator Bernie Sanders, her top challenger for the Democratic nomination, deflated the attacks during their first debate. When CNN moderator Anderson Cooper asked about the scandal, Sanders said, “The secretary of state is right, the American people are sick and tired about hearing about your damn e-mails.”

“Enough of the e-mails” Sanders said. “Let's talk about the real issues facing the American people.”

###

Forbes: FBI Calls Hillary's E-Mail Habits `Extremely Careless' But Not Criminal (Daniel Fisher)
http://www.forbes.com/sites/danielfisher/2016/07/05/fbi-calls-hillarys-e-mail-habits-extremely-careless-but-not-criminal/#76e4034e58fc

Hillary Clinton’s use of a private e-mail server to handle work-related communications while she was Secretary of State was “extremely careless” but didn’t cross the line into criminal behavior, Federal Bureau of Investigation Director James B. Comey said today.

The ultimate decision whether to indict the presumptive Democratic nominee for President lies with U.S. Attorney General Loretta Lynch, but Comey said that after an exhaustive investigation he wasn’t recommending criminal prosecution.

“Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case,” Comey said, according to prepared remarks delivered at a news conference in Washington.

Citing the difficulty of rooting through several servers that Clinton kept in her home in Chappaqua, New York over the years, Comey noted the former Secretary of State could have saved them a lot of work by either using State Dept. servers or a commercial service like Gmail. In either case, he noted, the communications would have been archived and protected by “full-time security staff.”

Comey's analysis seems to boil down to a typical distinction in criminal and civil law: Recklessness versus wilful misconduct. Citing past cases that did result in indictment Ret. Gen. David Petreaus's prosecution and $100,000 fine come to mind Clinton didn't deliberately hand classified material to anyone unauthorized to see it and obviously there was no sign of disloyalty to her country. And while FBI investigators found more than 100 classified e-mails on her unprotected servers, that is nothing like the data dump Edward Snowden unleashed on the world.

Compared with past cases, "we cannot find a case that would support bringing criminal charges on these facts," Comey said.

Petraeus pled guilty in 2015 to sharing classified information in his diaries with his biographer and mistress, Paula Broadwell.

That doesn't mean Hillary's e-mail practices were legitimate. Combing through several servers including one that had been decommissioned in 2013, leaving millions of e-mail fragments to be reconstructed, FBI investigators found 110 e-mails in 52 chains that were classified at the time they were sent or received, including eight classified Top Secret. Another 2,000 e-mails were "up-classified" to Confidential after they were sent.

###

Forbes: GOP Will Be Hard-Pressed To Attack FBI's Comey For Recommending No Charges Against Clinton (Jeremy Bogaisky)
http://www.forbes.com/sites/charlestiefer/2016/07/05/comey-fbi-clinton-email/#3e13f1601da8

FBI Director James B. Comey announced Tuesday morning that the FBI will recommend that no charges be filed against Hillary Clinton as a result of the FBI inquiry into her handling of her email while Secretary of State. No doubt Republicans will launch nasty attacks on Comey and Hillary alike. But, for several reasons, the Comey favorable verdict on Clinton will prove even more powerful on close study.

First, the No. 1 attack will be that Democratic influence, not the merits of Hillary's position, got the FBI to clear her. But before buying into the notion of Democratic influence on Comey, look at his own record, which is as solidly Republican as they come. He identifies himself as Republican. He served as counsel on the 1996 Republican Senate Whitewater Committee. Under Senator Al D'Amato, this was a relentlessly fierce excoriation of the Clintons.

President George W. Bush appointed him U.S. Attorney for the Southern District of New York, then Bush promoted him to Deputy Attorney General, the second post in Justice. He ran the Department for Bush under John Ashcroft and Alberto Morales. He gave campaign contributions to McCain and Romney. Come on. Does Comey's Republican background have to be tattooed on him to be accepted?

Second, Comey said "no reasonable prosecutor" would indict her. So, the second attack will be that, somehow, Comey's judgment is not to be accepted. But, he has one of the finest sets of prosecutorial credentials in the country. In the NY federal prosecution office, he served for many years as a line prosecutor and then supervisor. He took on the tough and high profile cases, from the Gambino crime family to Martha Stewart. As Deputy Attorney General he supervised all yes all the nation's federal

prosecutions. To put it differently, his prosecutorial judgment has been refined in scores, if not hundreds, of major decisions. Let a critic with better credentials step forward.

Third, the FBI had extraordinarily complete access. A lot was made last month about the report of the State Department Inspector General. But the State IG did not question Clinton. That was reserved for the FBI in its 3-1/2 hour examination of her, in which she was subject to the potential of harsh criminal punishment for a misstatement. The FBI got to give her the third degree. Which she submitted to voluntarily. Comey surely studied that examination in reaching his judgment.

Moreover the FBI had her private server. The IG did not. So Comey had the overview of the full evidence.

There will be a public cacophony now on this subject. It will stand out that the judgment was that of Comey. Consider the source.
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The Atlantic: Comey: 'No Reasonable Prosecutor Would Bring Such a Case' (Priscilla Alvarez)
http://www.theatlantic.com/politics/archive/2016/07/fbi-director-james-comey-hillary-clinton-email-investigation/489968/

With the Democratic convention only a few weeks away, the Hillary Clinton camp can release a sigh of relief after FBI Director James Comey announced that the agency found that "no charges are appropriate" in the probe into the former secretary of state's emails.

"Our judgement is that no reasonable prosecutor would bring such a case," Comey said. "In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts."

On Tuesday, Comey announced that "The FBI is completing its investigation and referring to DOJ for a prosecutive decision." He added that it was going to be "an unusual statement." And it was certainly a long-anticipated one. The FBI probe into Hillary Clinton's use of a private email server during her tenure as secretary of state has long haunted her presidential campaign.

Comey likened the former secretary of state's emails on Tuesday to "a huge unfinished jigsaw puzzle and dumping all the pieces on the floor." Of the 30,000 emails turned over by the State Department in 2014, 110 emails in 52 email chains were determined to contain classified information at the time they were sent or received, Comey said. But there wasn't reason to believe that there was intentional misconduct. Comey added, however, that Clinton and her aides were "extremely careless." Comey continued, saying the "security culture of the State Department in general and with respect to the use of unclassified systems in particular was generally lacking in the kind of care for classified information that's found elsewhere in the U.S. goverment." And although the FBI found no proof her server had been hacked, Comey said that "it is possible that hostile actors gained access to Secretary Clinton's personal e-mail account."

The press conference came three days after the agency interviewed Hillary Clinton over her use of a private email server during her tenure as secretary of state. Agents interviewed the presumptive Democratic nominee for more than three hours at FBI headquarters in Washington. At question was

whether Clinton or her aides put classified information at risk by corresponding on a private server. The New York Times has more on the meeting:

Accompanying Mrs. Clinton into the meeting were her lawyer David E. Kendall; Cheryl D. Mills and Heather Samuelson, longtime aides who are also lawyers; and two lawyers from Mr. Kendall's firm, Williams & Connolly, Katherine Turner and Amy Saharia.

Eight officials from the F.B.I. and the Department of Justice conducted the interview, according to a person who was familiar with the substance of the session but declined to be named because the meeting was private. This person characterized the meeting as "civil" and "businesslike."

Clinton told MSNBC's Chuck Todd in an interview following the meeting: "I've been eager to do it, and I was pleased to have the opportunity to assist the department in bringing its review to a conclusion."

Last week, Bill Clinton and Attorney General Loretta Lynch met in Phoenix. While Lynch insisted that the meeting was of a personal nature, it raised questions about the investigation into Clinton's emails. Lynch announced on Friday that she would accept the recommendations put forth by federal prosecutors.

Republicans, including Donald Trump, have targeted Clinton on the matter of her emails, which also appears to have influenced voters. A Washington Post / ABC News national poll released in March found only 37 percent of people view Clinton as honest and trustworthy.

President Obama will join Clinton on the campaign trail on Tuesday in North Carolina.

###

TIME Magazine: FBI Recommends No Criminal Charges Against Hillary Clinton in Email Case (Maya Rhodan)
http://time.com/4393271/james-comey-fbi-hillary-clinton-email/

FBI Director James Comey said Tuesday that "no reasonable prosecutor" would bring a criminal case against Hillary Clinton over her use of a personal email server as Secretary of State, though he criticized her handling of the emails.

Comey said that 110 of Clinton's emails contained classified information at the time they were sent and received, adding that Clinton and her staff were "extremely careless" in their handling of classified information and that it's possible "hostile actors" could have gained access to the server.

"Although there is evidence of potential violations, our judgement is that no reasonable prosecutor would bring such a case," Comey said."We are expressing to [the] Justice [Department] our view that no charges are appropriate in this case." He said the FBI found "no intentional misconduct."

"This is not to suggest that in similar circumstances a person who engaged in this activity would face no consequences," Comey added. "To the contrary, those individuals are often subject to security or administrative sanctions. But that is not what we are deciding now."

The Justice Department will make the final decision on whether to bring charges against Clinton now that the FBI's investigation has concluded. Attorney General Loretta Lynch previously said she expected to follow the FBI's recommendation.

At issue in the investigation was whether Clinton's use of a private email server and account while she served as Secretary of State violated federal law and whether the email account was hacked at any time. While in office, Clinton used several different servers and numerous mobile devices to read and send email on that personal domain, the FBI Director said.

Clinton spokesman Brian Fallon said that her campaign is "pleased that the career officials" overseeing the investigation "have determined that no further action by the department is appropriate."

Clinton turned tens of thousands of the emails over as part of the investigation, but during the probe the FBI discovered thousands more work-related emails that had not been shared, either because they had been deleted or because they had been marked as personal, Comey said. Of those, three were classified at the time they were sent or received. Comey, though, said the FBI found "no intentional misconduct" in Clinton's lawyers' efforts to sort work-related emails from the server.

The email scandal has cast a shadow over Clinton's presidential campaign, with many on the right, including presumptive Republican nominee Donald Trump, calling for her indictment. "It is impossible for the FBI not to recommend criminal charges against Hillary Clinton," Trump tweeted over the weekend. "What she did was wrong!"

The scandal was back in the headlines last week after former president Bill Clinton met with Attorney General Lynch at an Arizona airport. Lynch said last week the conversation was strictly personal and had nothing to do with the email investigation.

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TIME Magazine: Donald Trump Slams 'Rigged System' After FBI Recommends No Criminal Charges for Hillary Clinton (Katie Reilly)
http://time.com/4393399/donald-trump-hillary-clinton-fbi-email-case/

Presumptive Republican nominee Donald Trump renewed criticism of a "rigged system" of government on Tuesday, after FBI Director James Comey recommended that no criminal case be brought against Hillary Clinton over her use of a personal email server as Secretary of State.

"Although there is evidence of potential violations, our judgement is that no reasonable prosecutor would bring such a case," Comey said. "We are expressing to Justice our view that no charges are appropriate in this case."

Trump responded immediately on Twitter.

"The system is rigged. General Petraeus got in trouble for far less. Very very unfair! As usual, bad judgment," Trump posted .

"FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem," he added.

Other Republicans and conservative pundits echoed his disappointment, questioning Comey's judgment and Clinton's fitness for the presidency.

Other conservatives who have opposed Trump attacked Clinton, while arguing that Trump is ill-prepared to defeat her.

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TIME Magazine: Paul Ryan Says FBI's Hillary Clinton Email Decision 'Defies Explanation' (Rosalie Chan)
http://time.com/4393597/paul-ryan-hillary-clinton-emails-fbi-james-comey/

"No one should be above the law"

After FBI Director James Comey recommended that no charges be brought against Hillary Clinton, Republican House Speaker Paul Ryan tweeted that the decision "defies explanation."

"While I respect the professionals at the FBI, this announcement defies explanation," Ryan tweeted. "No one should be above the law."

According to Comey, "no reasonable prosecutor" would bring a criminal case against Clinton over using her personal email server as Secretary of State. He did criticize Clinton and her staff's actions, saying that 110 of Clinton's emails contained classified information, and the handling of this information was "extremely careless."

In a statement, Ryan said that not prosecuting Clinton would set a "terrible precedent."

"The findings of this investigation also make clear that Secretary Clinton misled the American people when she was confronted with her criminal actions," Ryan said. "While we need more information about how the Bureau came to this recommendation, the American people will reject this troubling pattern of dishonesty and poor judgment."

The Justice Department will make the final decision on whether to bring charges against Clinton. Previously, Attorney General Loretta Lynch said she expects to follow the FBI's recommendation.

The full transcript of Comey's speech on the email probe can be read here

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Aljazeera: FBI Recommends No Charges in Clinton Email Probe
http://www.aljazeera.com/news/2016/07/fbi-recommends-charges-clinton-email-probe-160705160510312.html

The FBI has said it will recommend to the Justice Department that no prosecution is warranted after a year-long investigation into Hillary Clinton's use of a private email server while the US secretary of state.

Director James Comey said in a press conference on Tuesday that while there was "evidence of potential violations" regarding the handling of classified information, "no reasonable prosecutor" would bring a case against Clinton.

Comey said that the FBI's investigation found there was evidence of extremely careless handling of emails by Clinton, now the presumptive Democratic presidential nominee, and that at least 110 emails contained classified information at the time they were sent.

“From the group of 30,000 emails returned to the State Department in 2014, some 110 emails in 52 email chains have been determined by the owning agency to contain classified information at the time they were sent or received," said Comey.

"Eight of those chains contained information that was top secret at the time they were sent; 36 of those chains contained secret information at the time, and eight contained confidential information at the time."

Comey said that the FBI had also discovered several thousand work-related emails that were not included among the original group of 30,000 emails returned by Clinton to State in 2014.

The FBI's recommendation to the Justice Department will have a significant impact on the upcoming US presidential election.

Attorney General Loretta Lynch said on Friday that she would accept whatever recommendation the FBI put forward.

The FBI has been investigating whether Clinton broke the law as a result of a personal email server kept in her New York home while she was secretary of state from 2009 to 2013.

The investigation has dogged Clinton's campaign for the past year. She and her staff have repeatedly fought off accusations that her use of the private server, which is in violation of State Department protocol, indicated that she was untrustworthy.

Republican frontrunner Donald Trump has said that the FBI investigation should disqualify Clinton from running for president.

“Although [Comey’s] recommendation is there should be no criminal charges filed … he certainly had some very damning statements about her conduct,” Al Jazeera’s Kimberly Halkett said in Charlotte, North Carolina, outside a Clinton campaign site.

“It’s not a completely triumphant day for Hilary Clinton … she’s sort of out of the woods in terms of facing criminal action, but in terms of the court of public opinion, [she] still has a lot of work to do to try and earn back the trust of the American voter.”

With the US presidential election less than four months away, Clinton's lead in the polls over Trump in recent weeks has shrunk to the single digits and nearly 69 percent of the American electorate believe she is untrustworthy.

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Politico: FBI Recommends No Charges Against Clinton In Email Probe (Nick Gass and Nolan D. McCaskill)
http://www.politico.com/story/2016/07/fbi-recommends-no-charges-against-clinton-in-email-probe-225102

FBI Director James Comey on Tuesday announced the agency is not recommending the Justice Department bring charges against Hillary Clinton, while also denouncing the former secretary of state and her colleagues for the way they handled classified information through private email servers.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is information that they were extremely careless in their handling of very sensitive, highly classified information," Comey told reporters in Washington, D.C., noting that the probe has found that the former secretary of state used several different email servers and numerous devices during her time in office.

Even so, Comey added later, "Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case. Prosecutors necessarily weigh a number of factors before deciding whether to bring charges."

Clinton spokesman Brian Fallon said the campaign was happy the FBI probe was now in the rearview mirror. "We are pleased that the career officials handling this case have determined that no further action by the Department is appropriate," Fallon said in a statement on Tuesday afternoon. "As the Secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that this matter is now resolved."

While the FBI's recommendation not to bring charges removes a significant hurdle in the way of Clinton and her presidential campaign, the presumptive Democratic nominee is likely to continue facing questions about her use of private email until November and beyond.

Comey's decision to pepper his remarks with an array of judgmental language directed at Clinton and her aides provided plenty of fodder for Republicans eager to drive home with voters the former secretary of state's trustworthiness problem.

Still, Republicans quickly denounced the decision by Comey, who was appointed to his current role by President Barack Obama in 2013 and had been appointed to his prior roles by George W. Bush.

"The system is rigged. General Petraeus got in trouble for far less. Very very unfair! As usual, bad judgment," Trump tweeted Tuesday morning, making reference to the disgraced former CIA director who resigned in the wake of an extramarital affair with his biographer with whom he had shared classified information.

Trump reiterated his claims of a rigged system in a subsequent tweet. "FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem," he wrote.

House Speaker Paul Ryan also tweeted his disappointment, writing, "While I respect the professionals at the FBI, this announcement defies explanation. No one should be above the law."

Comey, who did not take questions during the press conference, detailed specific findings from the FBI's investigators, who interviewed Clinton just last Saturday morning for three-and-half hours.

Some of the findings contradicted statements from Clinton's camp, which has long sought to downplay the seriousness of the probe and of the classified information on Clinton's private server.

Of the 30,000 emails Clinton turned over to the State Department in 2014, Comey announced that 110 emails in 52 separate chains had been determined to contain classified information "at the time they were sent or received." Of those, he continued, eight included "Top Secret" information, while 36 chains had "Secret" information at the time it was received, while eight contained "Confidential" information, the lowest level of classification. In addition to those, another 2,000 were "up-classified" to make them "Confidential" after they had already been sent.

And while Clinton has repeatedly claimed that she neither sent nor received information that was deemed classified, Comey commented that "a very small number of the e-mails containing classified information bore markings indicating the presence of classified information."

"But even if information is not marked 'classified' in an email, participants who know or should know that the subject matter is classified are still obligated to protect it," Comey said.

The FBI's investigation is only the latest probe into one of the Clintons' alleged wrongdoings, following multiple investigations into Clinton's response to the 2012 attacks in Benghazi, Libya, and an array of scandals that dogged President Bill Clinton during his time in the White House.
Clinton herself has lamented the lack of trust voters have indicated they have in her, from recent polls.

"And I've thought a lot about what's behind it," Clinton said June 27 at the International Women's Luncheon in Chicago, the site of the 50th annual Rainbow PUSH Coalition Convention. "And you know, you hear 25 years' worth of wild accusations, anyone would start to wonder. And it certainly is true I've made mistakes. I don't know anyone who hasn't. So I understand people having questions."

But even the integrity of the FBI's investigation was called into question when Bill Clinton had an impromptu meeting that same day with Attorney General Loretta Lynch. On Friday, Lynch said their meeting "cast a shadow" over the investigation and asserted that she "certainly wouldn't do it again." She also added that she "fully" expects to accept the recommendations she receives from career prosecutors.

Patrick Leahy, the highest-level Democrat on the Senate Judiciary Committee, said he takes Comey at his word that the FBI "conducted an apolitical and professional investigation" and hopes the Justice Department will take a similar approach.

"I trust that the Department of Justice career prosecutors will consider the FBI's recommendation and make a final decision based on facts, not politics," Leahy said in a statement.

Republicans, though, ripped into the FBI's non-recommendation, with Ari Fleischer, the former press secretary for George W. Bush tweeting, "Bottom line: Hillary is reckless, careless and has poor judgement, but she's not a criminal. Which means she's likely to be our next POTUS."

“The FBI decision shows once again how the Clintons and others at the top get to live by a different set of rules from everyone else,” tweeted Rep. Darrell Issa (R-Calif.), the former chairman for the House Oversight and Government Reform Committee.

Bernie Sanders’ campaign, meanwhile, said he still has no intention of imminently dropping out of the race, despite the FBI’s decision.

In prosecuting similar cases, Comey noted that past instances have "involved some combination of clearly intentional and willful mishandling of classified information or vast quantities of information exposed in such a way as to support an inference of intentional misconduct or indications of disloyalty to the United States or efforts to obstruct justice."

"We do not see those things here. To be clear, this is not to suggest that in similar circumstances, a person who engaged in this activity would face no consequences. To the contrary, those individuals are often subject to security or administrative sanctions, but that's not what we're deciding now," Comey added. “As a result, although the Department of Justice makes final decisions on matters like this, we are expressing to Justice our view that no charges are appropriate in this case."

Among those uncovered that were not produced to the State Department, Comey said that three of them were classified when they were sent or received, one at the Secret level and two at the Confidential Level.

“I should add here that we found no evidence that any of the additional work-related emails were intentionally deleted in an effort to conceal them,” Comey explained. “Our assessment is that, like many e-mail users, Secretary Clinton periodically deleted emails or emails were purged from the system when devices were changed. Because she was not using a government account or even a commercial account like Gmail there was no archiving at all of her emails, so it is not surprising that we discovered e-mails that were not on Secretary Clinton’s system in 2014, when she produced the 30,000 e-mails to the State Department.”

Comey said investigators did not find “direct evidence” that Clinton’s personal email domain, in its various configurations since 2009, had been compromised by hackers.

“But, given the nature of the system and of the actors potentially involved, we assess that we would be unlikely to see such direct evidence,” he added. “We do assess that hostile actors gained access to the private commercial email accounts of people with whom Secretary Clinton was in regular contact from her personal account. We also assess that Secretary Clinton’s use of a personal e-mail domain was both known by a large number of people and readily apparent. She also used her personal email extensively while outside the United States, including sending and receiving work-related emails in the territory of sophisticated adversaries. Given that combination of factors, we assess it is possible that hostile actors gained access to Secretary Clinton’s personal email account.”

Anticipating the reaction to the recommendation, Comey said, "I know there will be intense public debate in the wake of this recommendation as there was throughout the investigation. What I can assure the American people is that this investigation was done honestly, competently and independently, no outside influence of any kind was brought to bear."

"I know there were many opinions expressed by people not part of the investigation including people in government, but none of that mattered to us," he concluded. "Opinions are irrelevant, and they were all uninformed by insight into our investigation because we did our investigation the right way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way. I couldn't be prouder to be part of this organization."

Comey prefaced the announcement by saying that he has not coordinated his statement with the Justice Department or any other government agency.

“They do not know what I'm about to say,” Comey said, thanking the agents who worked on the case.

Campaign spokesman Nick Merrill told reporters in a statement Saturday that Clinton was "pleased" to help assist the Justice Department in wrapping up its investigation but said Clinton wouldn't offer any additional comments regarding the interview "out of respect for the investigative process."

Clinton told MSNBC's Chuck Todd in a phone interview Saturday that she was "eager" to meet with the FBI but had "no knowledge" of when the federal agency would conclude its investigation.

Comey's announcement came hours before Obama and Clinton are scheduled to appear together on the campaign trail for the first time at an afternoon rally in Charlotte, North Carolina.

Longtime Obama aide and strategist David Axelrod on Tuesday morning tweeted that Comey’s statement in which he recommended no charges but rebuked Clinton for carelessness “is about [the] best result she could get.”

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Politico: Kaine: I'm 'Not Surprised' FBI Not Recommending Charges Against Clinton (Louis Nelson)
http://www.politico.com/story/2016/07/fbi-clinton-email-tim-kaine-225104

Sen. Tim Kaine said he was “not surprised” by the FBI’s recommendation that Hillary Clinton should not face charges for using a homebrew email server during her tenure as secretary of state.

FBI Director James Comey announced Tuesday that the bureau would not recommend that the Department of Justice file charges against the presumptive Democratic presidential nominee. Kaine, widely rumored to be under consideration to join the ticket as Clinton’s running mate, said he has always taken the former secretary of state at her word that the email scandal would not amount to criminal activity.

“I’m not surprised. I have long believed that this was not going to be anymore than what Secretary Clinton said,” said Kaine (D-Va.), who was at a roundtable discussion on the Zika virus during Comey’s press conference and was told of the Clinton news by a reporter.

“I never believed this was going to be something in the criminal realm or even close to it. So again, I’m going to have to read what was said to comment further,” he continued. “But I have expected to get to this place where this is in the matter of lessons learned and what should future secretaries of state or officials do, but it’s not in the criminal realm.”

Kaine said he did not have any plans to campaign with Clinton in the coming weeks. He did not say whether or not he was currently being vetted as a possible vice presidential candidate, only that "the only role I'm playing is trying to help her win Virginia."

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Politico: The 7 Key Findings in The FBI's Clinton Email Probe (Louis Nelson)
http://www.politico.com/story/2016/07/clinton-email-fbi-key-findings-225116

Along with FBI Director James Comey's announcement Tuesday that the bureau would not recommend charges against Hillary Clinton came fresh details about the former secretary of state's use of a personal email server and the investigation into it.

In an unusually specific press briefing, Comey detailed the bureau's probe into the homebrew email server Clinton used during her four-year tenure at State, as well as the FBI's findings and ultimate recommendation to the Justice Department. The former secretary of state and her allies have long downplayed the investigation as a "security inquiry," but Comey revealed Tuesday that the FBI's probe was thorough, expansive and focused on Clinton and those with whom she interacted via the personal server.

Here are the major details Comey offered:

1. While the FBI found "no clear evidence" that Clinton had intentionally violated the laws concerning classified information, Comey said there is evidence that the former secretary of state and her team were "extremely careless in their handling of very sensitive, highly classified information." The FBI director said Clinton's use of an unclassified email system to handle classified information was "especially concerning" because the homebrew system was not protected by a full-time security team like the ones that protect official government servers and even commercial email services used by the general public, such as Gmail.

2. Of the 30,000 personal-server emails turned over by Clinton's lawyers to the State Department, 110 individual messages and 52 email chains contained some level of classified information. Of those 52 email chains, eight contained information classified at the highest level, "top secret," at the time they were sent. Another 36 email chains were classified at the "secret" level, while eight more were classified "confidential," the lowest level. In addition to the emails that were classified at the time, 2,000 more emails that were not classified at the time of sending were later up-classified by government departments and agencies.

3. Clinton's personal email system was not one server but multiple servers, which she accessed using "numerous" mobile devices. Comey said Clinton replaced her email servers with newer equipment throughout her tenure as secretary of state. The former secretary of state stored and decommissioned her older, unused servers in various ways, creating "a painstaking undertaking, requiring thousands of hours of effort" on the part of FBI investigators piecing together her email system. Comey likened the process of assembling the thousands of email fragments left behind in old servers to "removing the frame from a huge, finished jigsaw puzzle and dumping the pieces on the floor."

4. The FBI's investigation into Clinton's email system extended well beyond the 30,000 messages handed over by the presumptive Democratic nominee's lawyers to the State Department. Comey said the

bureau discovered “several thousand” additional work-related emails from Clinton by searching devices that had been attached to the private email domain and by checking the archived email of other government employees. Of those additional emails discovered by the FBI, Comey said one was classified at the time it was sent or received at the “secret” level and another two were classified as “confidential.”

5. While the 30,000 emails handed over by Clinton’s team turned out to be a less than exhaustive accounting of her use of a personal email server, Comey said “we believe our investigation has been sufficient to give us reasonable confidence there was no intentional misconduct in connection with that sorting effort,” by the former secretary of state’s lawyers.

6. The FBI could find no direct evidence, Comey said, of intrusion into Clinton’s personal server by hackers, but added that the nature of her system made it unlikely that the bureau could find such evidence even if an intrusion had occurred. The FBI director also said that a variety of factors, including Clinton's accessing of the private server from within the territory of “sophisticated adversaries,” made it “possible” that hackers gained access to her personal email.

7. Comey said decisions to file charges in previous similar cases have been based on some combination of three factors: intentional mishandling of classified information, large quantities of classified information exposed in such a way to suggest intentional wrongdoing and “indications of disloyalty to the United States or efforts to obstruct justice.” Because the bureau found no evidence of those factors, Comey said, the FBI recommended against filing charges against Clinton.

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Financial Times: FBI Advises No Charge Over Clinton Emails (Demetri Sevastopulo)
http://www.ft.com/cms/s/0/0f5e607c-42c7-11e6-9b66-0712b3873ae1.html#axzz4DYgLh7Yo

The Federal Bureau of Investigation has concluded Hillary Clinton was “extremely careless” in handling top secret emails while secretary of state but recommended against prosecuting the Democratic presidential candidate.

James Comey, the FBI director, said investigators had found 110 emails where Mrs Clinton had either sent or received classified information on her private account. That conclusion contradicted multiple statements by Mrs Clinton that she had never transmitted information marked as secret at the time it was sent.

Still, Mr Comey said his investigators found no evidence Mrs Clinton “intended to violate laws” and that there was no precedent of senior officials facing criminal charges for similar offences although he acknowledged such breaches in the past had led to “security or administrative actions” rather than prosecution.

“Any reasonable person in Secretary Clinton’s position . . . should have known that an unclassified system was no place for that conversation,” Mr Comey said.

The end of the year-long probe into Mrs Clinton’s decision to conduct government business on personal email servers, and the decision not to recommend prosecution to the justice department, almost

certainly removes Mrs Clinton from any legal jeopardy. Loretta Lynch, the US attorney-general, has stated she would abide by the FBI's recommendation in the case.

The Clinton campaign said it was "pleased" with the FBI's decision. "As the secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that this matter is now resolved," said Brian Fallon, spokesman for Mrs Clinton.

But the finding Mrs Clinton was lax in handling sensitive information Mr Comey said her behaviour made it possible for "hostile actors" to gain access to gain access to her email will play into the hands of Republican Donald Trump ahead of November's presidential election.

Mr Trump took to Twitter to argue Mr Comey's decision was more evidence of the "rigged system" in Washington that he routinely rails against on the campaign trail. "FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSytem," the tycoon tweeted.

Although appointed to head the FBI by Democrat Barack Obama, Mr Comey spent years as a senior prosecutor in Republican George W Bush's justice department.

Paul Ryan, the Republican Speaker of the House of Representatives, said the FBI decision "defies explanation". He said the American people would "reject this troubling pattern of dishonesty and poor judgment" by Mrs Clinton, who according to many opinion polls has struggled to convince voters that she is trustworthy.

"Declining to prosecute Secretary Clinton for recklessly mishandling and transmitting national security information will set a terrible precedent," said Mr Ryan. "The findings of this investigation also make clear that Secretary Clinton misled the American people when she was confronted with her criminal actions."

Mr Comey's statement came just hours before President Obama was due to appear alongside Mrs Clinton at a campaign event in North Carolina.

Despite the decision not to prosecute, Mr Comey used strong language in describing Mrs Clinton's use of the personal email server. He singled out her extensive use of the account when overseas, including in the "territory of sophisticated adversaries". He said the FBI believed it was "possible that hostile actors gained access to Secretary Clinton's personal email account".

The investigation into Mrs Clinton was seen as one of the most sensitive in Washington for years because it involved a presidential candidate and former secretary of state. In a rare move, Mr Comey stressed that he had not told anyone what he was going to say before he delivered what he described as an "unusual statement".

"I'm going to include more detail . . . than I ordinarily would because I think the American people deserve those details in a case of intense public interest," said Mr Comey. "I have not co-ordinated this statement or reviewed it in any way with the Department of Justice or any other part of the government. They do not know what I am about to say."

Ms Lynch's decision to cede decision making in the case to Mr Comey came after the attorney-general spoke with Bill Clinton, the former president, for 30 minutes in public view at an Arizona airport.

Mrs Lynch described the meeting as an impromptu encounter where the pair discussed personal topics. But the move was slammed by Republicans and some Democrats amid suspicions that the head of the justice department in a Democratic administration would be highly unlikely to accept any recommendation from the FBI to prosecute Mrs Clinton.

On Friday, Mrs Lynch said the meeting "raises questions and concerns", and vowed to accept the FBI recommendation. On Tuesday, Mr Comey said that while there was a "potential violation" of laws governing the handling of secret information, "our judgment is that no reasonable prosecutor would bring such a case" because there was no evidence of "clearly intentional or wilful mishandling of classified information".

Mr Comey also acknowledged that the move would be intensely scrutinised, stressing that "no outside influence of any kind was brought to bear".

Mrs Clinton has said she used personal email for convenience, but has not provided a clear answer about why she set up a private email server in her New York home. That has fed oppon ents' suspicions that she wanted to retain the ability to delete emails and prevent them from being archived on the government system. Mr Comey said it was likely that Mrs Clinton had sent other emails that the FBI could not retrieve, but found no evidence that any of her emails had been "intentionally deleted".

While Republicans criticised his decision not to recommend prosecution, Mr Comey is highly regarded for his probity. While deputy attorney-general under Mr Bush, Mr Comey rushed to hospital to prevent White House officials from pressuring an ailing John Ashcroft, then attorney-general, from approving an electronic spying programme that the two men had previously concluded was illegal.

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ABC News: FBI Recommends No Charges Should Be Filed Against Hillary Clinton (Meghan Kenealy, Geneva Sands)
http://abcnews.go.com/Politics/fbi-completes-investigation-hillary-clintons-personal-email-server/story?id 40346712

FBI Director James Comey said today his agency is not recommending that charges be brought against Hillary Clinton after a yearlong investigation into her use of a private email server while serving as secretary of state.

"Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case," Comey said in a news conference.

"In looking back at our investigations into the mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," he added.

What the FBI found

Comey said that the FBI spent “a tremendous amount of work over the last year” and that now the case is headed to the Department of Justice which has the ultimate say when it comes to any “prosecutive decision.”

He noted that FBI investigators read all of Clinton’s approximately 30,000 emails that were provided to the State Department in 2014.

Of the emails turned over to State, 110 emails in 52 chains contained classified information when sent or received, said Comey. Eight of those chains contained top secret information, 36 chains were classified as secret, and eight were confidential.

There were 2,000 other emails that were, he said, “up-classified to make them confidential,” meaning that they were not classified when they were initially sent.

Criticizing Clinton

Although the FBI did not find evidence that Clinton or her colleagues intended to violate laws, Comey chastised Clinton’s actions as “extremely careless.”

“There is evidence that they were extremely careless in their handling of very sensitive, highly classified information. For example, seven email chains concerned matters that were classified at the top secret, special access program at the time they were sent and received," he said.

Clinton used several servers and administrators of those servers for a personal email domain during her four years at the State Department, according to Comey. She also used numerous mobile devices to send and read emails on that personal domain.

This was the first public confirmation that she used multiple servers to store her emails.

She has repeatedly asserted that she never sent or received classified information through her private server, but today Comey contradicted that.

The FBI was able to retrieve some deleted emails, in what he called “a painstaking undertaking requiring thousands of hours of effort.”

Comey said that Clinton’s lawyers did not read through each message before turning the emails over to the State Department. Instead, her lawyers relied on headers and search queries.

He said there was no evidence that work-related emails were deleted in an attempt to conceal them.

Evidence of hacking?

Comey said that it was possible that hostile actors gained access to Clinton’s personal email account, despite a lack of “direct evidence.”

He said that, given the nature of the system and of the actors potentially involved, it would be unlikely to see such direct evidence.

The FBI did determine that hostile actors gained access to the private commercial email accounts of people with whom Clinton was in regular contact from her personal account, according to Comey.

He said that because her personal email was known by a large number of people and because she used her it extensively while outside the United States, including in territories of "sophisticated adversaries," it was possible that hostile actors gained access to her email account.

While it wasn't the focus of the FBI investigation, Comey said, investigators found evidence that the security culture of the State Department was "generally lacking" in safeguarding classified information.

The announcement comes three days after a Clinton representative confirmed that she had a "voluntary" meeting with investigators over her use of a personal email server during her time as secretary of state. A Clinton aide said the interview lasted about 3 1/2 hours at the FBI headquarters in Washington, D.C.

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ABC News: Donald Trump Calls FBI's Email Recommendation on Hillary Clinton 'Very Unfair' (Veronica Stracqualursi)
http://abcnews.go.com/Politics/donald-trump-calls-fbis-email-recommendation-hillary-clinton/story?id 40349646

FBI Director James Comey's recommendation that Justice Department prosecutors not pursue charges against Hillary Clinton for using a private email server during her tenure as secretary of state is "very unfair" and another example of a "rigged" system, presumptive Republican presidential nominee Donald Trump said today.

The Republican National Committee piled onto Trump's comments, with RNC Chair Reince Priebus calling the FBI's findings a "glaring indictment" of Clinton's "complete lack of judgment, honesty, and preparedness to be our next commander-in-chief."

"… They confirm what we've long known: Hillary Clinton has spent the last 16 months looking into cameras deliberately lying to the American people," Preibus said in the statement.

Bernie Sanders' campaign reacted as well, with spokesman Michael Briggs saying that the FBI's announcement will not affect the senator's decision to stay in the race. Sanders has remained in the race despite Clinton's locking up the Democratic nomination and Sanders' saying that he will vote for Clinton in November.

The FBI announced today that Clinton used several private servers and that out of the 30,000 emails turned over to the State Department, 110 emails in 52 chains contained classified information at the time she sent or received them. Comey called Clinton's use of the private servers "extremely careless."

Clinton's spokesman Brian Fallon said in a statement released today, "We are pleased that the career officials handling this case have determined that no further action by the department is appropriate. As the secretary has long said, it was a mistake to use her personal email, and she would not do it again. We are glad that this matter is now resolved."

The case is now headed to the Department of Justice, which has the ultimate say when it comes to any "prosecutive decision," Comey said. Attorney General Loretta Lynch has already said she will accept the FBI's recommendation.

Clinton is set to campaign with President Barack Obama in North Carolina later today their first campaign event together in 2016.

###

CBS News: FBI: No Charges Against Hillary Clinton are Appropriate for Email Server Use (Rebecca Shabad)
http://www.cbsnews.com/news/fbi-no-charges-against-hillary-clinton-are-appropriate-for-email-server-use/

The Federal Bureau of Investigation (FBI) is recommending to the Justice Department that no charges should be brought against Hillary Clinton for her use of private email servers as secretary of state, FBI Director James Comey announced Tuesday.

"Our judgment is that no reasonable prosecutor would bring such a case," Comey said after detailing the FBI's findings in its investigation of Clinton's use of personal email servers. "No charges are appropriate in this case."

Comey announced that the FBI has completed its investigation of Clinton's use of a personal email server and is now referring the matter to the Justice Department to decide whether to prosecute. Comey made clear he didn't coordinate his statement with the Justice Department or any other part of the government.

The FBI assessed whether classified information was improperly stored or transmitted on Clinton's personal email server or whether classified information was mishandled intentionally or in a grossly negligent way -- which is a felony -- or whether people knowingly removed classified information from appropriate systems or storage facilities, which is a misdemeanor, Comey said. He added that the FBI also investigated whether there was computer intrusion by nation states or hostile actors.

Comey said that the FBI found that Clinton actually used "several different servers" and administrators of those servers during her four years as secretary of state as well as "numerous mobile devices" to send and receive email on her personal domain.

When one of the servers was decommissioned in 2013, the software was removed, but millions of email fragments remained in a "slack space of the server" which the FBI had to use to piece the puzzle of her emails back together.

"We searched through all of it to understand what was there and what parts of the puzzle we could put back together again," Comey said.

From the group of approximately 30,000 emails that Clinton provided to the State Department, the FBI found 110 emails in 52 email chains that "have been determined by the owning agency to contain classified information at the time they were sent or received," Comey said.

Eight of those chains contained top-secret information, Comey said, 36 chains contained information that was considered secret at the time and eight were considered confidential.

Comey said that the FBI "found no evidence that any of the additional work-related emails were intentionally deleted in an effort to conceal them in some way." Therefore, Comey said the FBI has "reasonable confidence" that there was "no intentional misconduct" in connection to the sorting of Clinton's emails.

The FBI director, however, slammed Clinton for her general use of the email server.

"There is evidence that they were extremely careless in their handling of very sensitive, highly classified information," he said, adding that anyone in Clinton's position or in the positions of people she communicated with "should have known that an unclassified system was no place for that conversation."

Comey said that the FBI did not find "direct evidence" that Clinton's personal email domain was hacked successfully, but cautioned that the government is "unlikely to find such direct evidence." At the same time, he warned that "hostile actors gained access" to private email accounts with which Clinton was in regular contact. He also said that because Clinton sent and received work emails in territories of sophisticated adversaries, Comey said, "It is possible that hostile actors gained access to Secretary Clinton's personal email account."

The conclusion of the investigation comes after Clinton met with FBI officials in Washington for three and a half hours Saturday about her use of the private email server she used while she was secretary of state, her campaign said. Federal investigators also interviewed Clinton's top aides, including Huma Abedin, who was questioned in April.

Clinton had turned over her email server to the FBI in August, and at the time she turned it over, it had been wiped clean.

In May, Clinton told CBS News that she expected a quick conclusion to the FBI probe into whether she mishandled classified information on her server, which Clinton used exclusively to send and receive State Department correspondence.

"I always took classified material seriously," she told "Face the Nation" host John Dickerson. "There was never any material marked classified that was sent or received by me. And I look forward to this being wrapped up."

There has been increased scrutiny of the Justice Department, which oversees the FBI, and Attorney General Loretta Lynch after she had a spontaneous half-hour-long meeting with former President Clinton early last week.The attorney general said Friday of the meeting with Clinton that she "certainly wouldn't do it again," a sentiment seconded by the former president and by Hillary Clinton, who told MSNBC in an interview that "hindsight is 20-20."

Lynch confirmed Friday that she would be accepting the recommendations of the career prosecutors in the email case, though she stopped short of formally recusing herself from the matter.
###

USA Today: 'Extremely Careless,' But FBI Advises No Charges for Clinton's Emails (David Jackson and Kevin Johnson)
http://www.usatoday.com/story/news/politics/elections/2016/07/05/james-comey-fbi-hillary-clinton/86702072/

The FBI recommended Tuesday that Democratic presidential candidate Hillary Clinton should not face criminal charges over her use of a private email server as secretary of State, even though she and aides were "extremely careless" in handling classified information.

While FBI Director James Comey criticized Clinton and her aides for carelessly handling classified, top-secret information, he said there is no evidence she intended to do so, the basis for criminal charges.

"Although there is evidence of potential violations of the statutes regarding the handling of classified information," Comey said in a 15-minute statement explaining the investigation, "our judgment is that no reasonable prosecutor would bring such a case."

Comey said his agency acted apolitically and went where the facts took them. While, technically, the FBI makes recommendations to Justice Department prosecutors over potential charges, Attorney General Loretta Lynch has said she would accept the bureau's views in this case.

"In looking back at our investigations into mishandling of removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," Comey said.

Republican presidential candidate Donald Trump criticized the FBI's decision, tweeting that "the system is rigged" and citing charges brought against Gen. David Petraeus over handling of classified information.

"General Petraeus got in trouble for far less," Trump said. "Very very unfair! As usual, bad judgment."

In another tweet, Trump noted that the FBI director "said Crooked Hillary compromised our national security. No charges. Wow."

The Clinton campaign said it was pleased with the decision made by "career officials" at the FBI.

"As the Secretary has long said, it was a mistake to use her personal email and she would not do it again," said Clinton spokesman Brian Fallon. "We are glad that this matter is now resolved."

Clinton, who campaigns later in the day with President Obama in North Carolina, did not address Comey's statement or the FBI's findings during a morning speech at the National Education Association in Washington.

Comey, meanwhile, took Clinton and State Department officials to task for their procedures in handling sensitive information.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information," he said.

Comey said that, of the 30,000 or so Clinton emails provided by the State Department, 110 messages in 52 email chains were determined to have contained classified information at the time they were sent or received.

Eight of those email chains contained information that was top secret at the time they were sent or received, the FBI reported; 36 of the email chains contained secret information at the time; and eight contained lesser confidential information.

Part of the investigation dealt with whether foreign adversaries tried to hack Clinton's private email system, Comey said. In recent years, the Chinese and Russian governments are among those who have been accused of prying into American secrets.

It is possible that “hostile actors” were able to access Clinton’s personal email account, Comey said, but there was no “direct evidence."

Comey said the evidence supports the conclusion that "any reasonable person in Secretary Clinton's position or in the position of those government employees with whom she was corresponding about these matters should have known that an unclassified system was no place for that conversation."

David Axelrod, long-time political adviser to President Obama, said Clinton's email was "ill-conceived and reckless," but "no indictment and no indication of criminal intent is an important line of demarcation."

The issue will remain political, he added.

Citing Comey's "rebuke," Axelrod said "the Republicans will use it as a cudgel."

The case is now "part of the record voters will consider," Axelrod said. "But the conclusion lifts the cloud of indictment no candidacy could have sustained."

House Speaker Paul Ryan, R-Wisc., meanwhile, said the FBI decision "defies explanation," and could undermine the rule of law.

"No one should be above the law," Ryan said.

The FBI director's previously unannounced statement came three days after FBI agents interviewed Clinton about her use of private email while secretary of State.

After the Saturday interview, Clinton spokesman Nick Merrill said the former secretary of State was "pleased to have had the opportunity to assist the Department of Justice in bringing this review to a conclusion."

For months, Trump had predicted that Clinton would not face charges, claiming the Justice Department investigation has been "rigged" in her favor.

Trump and other Republicans protested a recent meeting between Lynch and former president Bill Clinton, the candidate's husband. The two said they discussed personal matters, not the investigation.

Comey spoke just hours before Clinton campaigns in Charlotte along with Obama, their first joint political appearance of the year.

###

USA Today: Trump: FBI Decision On Clinton Emails Was 'Rigged' (David Jackson)
http://www.usatoday.com/story/news/politics/onpolitics/2016/07/05/donald-trump-hillary-clinton-email-james-comey/86709502/

It didn't take Donald Trump long to condemn the FBI recommendation against criminal charges for Hillary Clinton over her use of a private email server while secretary of State.

"The system is rigged," Trump tweeted less than an hour after the announcement by FBI Director James Comey. "General Petraeus got in trouble for far less. Very very unfair! As usual, bad judgment."

Trump referred to charges brought against former Gen. David Petraeus, though that case involved the direct transfer of classified information to his mistress/biographer.

While Comey said there was not enough evidence to prove that Clinton intentionally transferred classified information, warranting prosecution, the FBI director said the former secretary of State and her aides "were extremely careless" in their handling of sensitive material.

Picking up that theme, Trump also tweeted: "FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem"

Expect Trump to amplify his attacks at a rally Tuesday night in Raleigh, N.C., not to mention over the next four months of presidential campaigning.

Trump has long predicted that the FBI and Justice Department would absolve Clinton, claiming the investigation was "rigged" in her favor.

While Trump has argued that Clinton's use of private email renders her unfit to be commander in chief, Clinton has said the Republican's harsh attacks on foreign leaders and global alliances make him a "reckless" choice for the White House.

In his statement at FBI headquarters, Comey praised the FBI for its handling of this election-year investigation, saying that agents acted "in an entirely apolitical and professional way. I couldn't be prouder to be a part of this organization."

###

USA Today: Clinton Campaign 'Pleased' with FBI Decision on Emails (Heidi Przybyla)
http://www.usatoday.com/story/news/politics/onpolitics/2016/07/05/hillary-clinton-reaction-fbi-emails/86711858/

Hillary Clinton’s campaign issued an initial response to the FBI’s recommendation on Tuesday not to press criminal charges against the presumptive Democratic presidential nominee over her use of a private email server while at the State Department.

“We are pleased that the career officials handling this case have determined that no further action by the Department is appropriate,” spokesman Brian Fallon said in a statement.

“As the secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad this matter is now resolved,” said Fallon.

FBI Director James Comey recommended against charges, even though he said Clinton and aides were "extremely careless" in handling classified information. Though there is evidence Clinton acted improperly and it's possible she may have been hacked, he said no prosecutor would bring a case because there is no evidence she acted intentionally, Comey said in a statement.

Clinton has long said she was confident no charges would be filed and has sought to put the matter behind her. In a morning speech before a group of educators at the same time Comey announced his decision, Clinton did not mention the matter.

She campaigns Tuesday afternoon with President Obama in Charlotte, their first joint appearance of the 2016 presidential race.

###

USA Today: Paul Ryan, GOP Officials Blast Clinton Over FBI Email Findings (Eliza Collins)
http://www.usatoday.com/story/news/politics/onpolitics/2016/07/05/republican-reaction-hillary-clinton-fbi-emails/86708602/

House Speaker Paul Ryan blasted FBI Director James Comey's decision Tuesday not to recommend charges against Hillary Clinton over her use of a private email server at the State Department, saying the "announcement defies explanation."

"While I respect the law enforcement professionals at the FBI, this announcement defies explanation. No one should be above the law. But based upon the director's own statement, it appears damage is being done to the rule of law," Ryan said in a statement. "Declining to prosecute Secretary Clinton for recklessly mishandling and transmitting national security information will set a terrible precedent."

A spokesman for the Republican National Committee said that even though the FBI did not recommend charges, the facts laid out were a “clear indictment” nonetheless.

Sean Spicer, speaking with CNN shortly after Comey's announcement, said that he felt the FBI had done a fair and thorough investigation and downplayed the importance of actual charges. He added that the director's characterization of Clinton's email use clearly showed “somebody who doesn’t understand the importance of our national security.”

“This is a major, major problem," Spicer said, referring to Clinton's "judgment" and "fitness" to be president.

Ryan and Spicer were among many GOP officials who blasted Clinton following the FBI announcement.

House Majority Leader Kevin McCarthy said Comey's statements made it clear that Clinton's actions were "extremely irresponsible."

“What Director Comey’s statements made clear was that Hillary Clinton’s decision to use a personal unsecured server to send work-related emails while service as Secretary of State including classified information was extremely irresponsible," McCarthy said in a statement.

“Every investigation thus far makes one conclusion abundantly clear: Secretary Clinton’s fundamental lack of judgment and wanton disregard for protecting and keeping information confidential raises continued questions about the exposure of our nation’s diplomatic and national security secrets," he added.

Florida Sen. Marco Rubio went after Clinton's decision calling her actions "grossly negligent."

"The FBI concluded what many Americans have known for quite some time, which is that Hillary Clinton’s conduct as Secretary of State and her mishandling of classified information was disgraceful and unbecoming of someone who aspires to the presidency," Rubio said in a statement. "Her actions were grossly negligent, damaged national security and put lives at risk.

Kentucky Sen. Rand Paul took to Twitter to share a series of grievances about the findings. He said that Comey and the Department of Justice made it so there was "no accountability no justice."

Former Arkansas governor and GOP presidential candidate Mike Huckabee weighed in with a metaphor.

Texas Sen. Ted Cruz tweeted old video from his time in the race featuring Clinton and her server.

Ari Fleischer, George W. Bush's first White House press secretary, knocked President Obama for campaigning with Clinton later Tuesday.

California Rep. Darrell Issa, who chairs the House Judiciary Committee's panel on courts, intellectual property and the Internet, argued the recommendation illustrated that Clinton was above the law.

A spokesman for the National Republican Congressional Committee predicted the findings would hurt Democrats downballot.

“The FBI’s investigation into Hillary Clinton’s email server shows that during her time at the Department of State, Clinton was more concerned with hiding information from the public than she was with protecting our national security," NRCC spokesman Bob Salera said. "The American people do not trust Hillary Clinton, and down ballot candidates who embrace her broadly unpopular, scandal-plagued campaign will pay the price in November.”

While it was clear that Republicans were unhappy with the decision, some in the #NeverTrump group chose to try and use Comey’s announcement to bash the presumptive Republican nominee.

Erick Erickson, a prominent conservative blogger and radio host, said that Trump was the only one "who could possibly lose" to Clinton.

Ana Navarro, who is a Republican strategist and ally to the Bush family, said that any other option (literally, "an amoeba or even an inanimate object") in the party could beat Clinton.

###

U.S. News & World Report: FBI Recommends No Charges Against Clinton in Email Scandal (Curt Mills)
http://www.usnews.com/news/articles/2016-07-05/fbi-recommends-no-charges-for-extremely-careless-hillary-clinton-in-email-server-scandal

FBI Director James Comey said Tuesday he is not recommending that charges be filed against former secretary of state and presumptive Democratic presidential nominee Hillary Clinton in the case of her controversial past use of private email servers.

"We did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information. There is evidence that they were extremely careless," Comey said Tuesday. Still, he said, he would advise the Justice Department that "no charges are appropriate in this case."

Comey said Clinton and her team did exchange information that was "top secret" over servers with weak defenses.

"Seven email chains concerns matters that were classified at the top-secret, special-access program at the time they were sent or received," Comey said.

"Even if information is not marked 'classified' in an email, participants who know or should know the subject matter is classified are still obligated to protect it," Comey stated.

Comey intimated that Clinton's information was perhaps less secure than the information on everyday Americans' email accounts.

"None of these emails should have been on any kind of unclassified system, but their presence is especially concerning because all of these emails were housed on unclassified, personal servers, not even supported by full-time security staff, like those found at... even at a commercial email service like Gmail."

Comey said it was possible Clinton was hacked by hostile foreign governments, but that it would be impossible to determine that conclusively and "we cannot find a case that would support bringing criminal charges on these facts."

"This is not to suggest that in similar circumstances, a person engaged in this activity would face no consequences. Quite the contrary," Comey noted, saying that security or administrative sanctions could be in order.

"But that's not what we're deciding now," Comey said.

It's unclear how such sanctions could be applied to the President of the United States.

Comey insisted that the investigation has been fair and impartial.

"In looking back into our investigations into the mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," Comey said. "All the cases prosecuted involved some combination of clearly intentional and willful mishandling of classified information; or vast quantities of information exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here."

"Only facts matter, and the FBI found them here in an entirely apolitical and professional way," Comey, a Republican, insisted. "This investigation was done honestly, competently and independently."

Many critics vociferously disagree. Clinton is endorsed by President Barack Obama, and there have been concerns about a recent in-person meeting between Attorney General Loretta Lynch and former President Bill Clinton.

Presumptive Republican nominee rushed to social media following the conference to condemn the recommendation by Comey.

"FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem," Trump tweeted Tuesday after the Comey announcement.

###

Los Angeles Times: FBI Recommends No Prosecution in Hillary Clinton Email Case (Del Quentin Wilber and David Lauter)
http://www.latimes.com/nation/la-na-pol-fbi-clinton-emails-20160705-snap-story.html

In recommending that no charges be brought against Hillary Clinton in connection with her email use while secretary of State, FBI Director James Comey on Tuesday also rebuked the former secretary of state and her top aides, saying they had been “extremely careless” in how they handled classified information.

Comey’s recommendation removes the most serious threat that had hung over Clinton’s presidential campaign the possibility of a criminal indictment although his judgment of her carelessness will surely resound from now until November. It is highly unlikely that the Justice Department would overrule the FBI director, and Atty. General Loretta Lynch said last week that she would accept the recommendations of Comey, career prosecutors and federal agents.

Comey, who delivered a highly unusual 15-minute statement to reporters about the investigation but took no questions, criticized several aspects of Clinton’s use of a private email server that undermine statements made by the presidential candidate.

He said it was possible that foreign powers gained access to her private email account; she sent emails that she should have known contained classified information; and that a handful of emails “bore markings indicating the presence of classified information."

He also described a hodgepodge of servers and devices that Clinton used to send and receive emails.

The former secretary of state also

Justice Department officials will review the FBI's recommendation, but the chances that they would overturn it are virtually nil. Atty. Gen. Loretta Lynch announced last week that she would defer to the judgment of the FBI and career prosecutors.

The investigation found "evidence of potential violations of the statutes regarding the handling of classified information," Comey said. But it did not find evidence of the sort of aggravating factors that were present in "all the cases prosecuted" in the past. Those included "willful mishandling" of classified information, "intentional misconduct," disloyalty or "efforts to obstruct justice," Comey said.

"We do not see those things here," he said.

Comey's statement did not foreclose the possibility of administrative action against Clinton or some of her former aides, which could include loss of security clearances. People who mishandle classified information are "often subject" to such sanctions, he said.

He was strongly critical of the State Department as a whole, saying that its "security culture" was "lacking in the kind of care for classified information that is found elsewhere" in the government.

The announcement comes three days after FBI agents and Justice Department officials interviewed Clinton at FBI headquarters a step that had long been forecast as the final move in the investigation.

Comey spoke for about 15 minutes, taking no questions afterward. The bure au's decision involved no political influence, and other government officials had no idea in advance what he was to say, Comey said.

For the FBI director to make a public announcement of the bureau's recommendations to prosecutors was a dramatic departure from the usual practice, something that Comey took note of at the start of his remarks. His was an "unusual statement," he said.

Typically, the FBI makes no public comment when it finishes an investigation. In the rare cases in which the government does say something publicly at the end of an investigation, the FBI's remarks come in coordination with prosecutors and after the Justice Department has reviewed the case. But "unusual transparency" was warranted in this case because of the "importance of the matter," Comey said.

The FBI has been investigating the case for nearly a year, seeking to determine whether Clinton or any of her aides had mishandled classified information in connection with her emails. The bureau acted on a request from the inspectors general of the State Department and the intelligence community, who determined that some of the emails Clinton handled included classified information.

Comey's statement directly challenged one of Clinton's defenses in the case her repeated assertion that none of the emails she handled was marked classified.

While that is true of the vast majority of the emails, he said, "even if information is not marked classified in an email, participants who know or should know that the subject matter is classified are still obligated to protect it."

The bureau's review, which involved "painstaking" reconstruction of thousands of emails, determined that 110 emails, involving 52 message chains, contained information that was classified at the time it was sent, Comey said. Eight of those were classified top secret.

Comey, a Republican, was appointed FBI director by President Obama in 2013. He served as the Justice Department's second-ranking official, deputy attorney general, under President George W. Bush and was a federal prosecutor for much of his career before that, including two years as the U.S. attorney in Manhattan.
###

Chicago Tribune: An 'Extremely Careless' Hillary Clinton: The FBI's Damning Non-Indictment (Editorial Board)
http://www.chicagotribune.com/news/opinion/editorials/ct-hillary-clinton-email-fbi-james-comey-edit-20160705-story.html

Here's the campaign bumper sticker you won't see: "Clinton in '16 because no charges were recommended."

FBI Director James Comey announced Tuesday morning that having completed its investigation, his agency will recommend to the Justice Department that Hillary Clinton not face criminal prosecution for the mishandling of sensitive emails while she was secretary of state. No reasonable prosecutor would take up this case, Comey said.

That announcement is an enormous relief to Clinton, and, it appears, an artful escape. The presumptive Democratic nominee for president will no longer have to worry quite so much about the presumptive part. It looks like she'll get the nod at the convention this month. But if Comey and the FBI had reached a different conclusion that Clinton likely broke the law the bumper sticker of the day would have crossed out Hillary Clinton's name and penciled in Joe Biden's.

Let's leave the day's cheerleading to her campaign staffers, though. This is still a political disaster for Clinton. Relying exclusively on a private email server to do the public's work as America's top diplomat was foolish and reckless. Comey, in a surprise televised statement, rendered his own two-word judgment that won't soon be forgotten: "extremely careless." As that behavior applies to classified government information, it's not what many people are looking for in a president.

Specifically, Comey said: "Although we did not find clear evidence that Secretary of State Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information," Comey stated.

The FBI director continued: "There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for that conversation."

Comey's word isn't the last on the subject because the FBI investigates, it doesn't prosecute. The final decision will come from Justice Department attorneys. But given the momentous political stakes, and the obvious perception of a potential conflict of interest the sitting president is rooting for Clinton to

succeed him the FBI's recommendation probably stands. Attorney General Loretta Lynch said Friday that she would accept whatever the FBI and career prosecutors decide.

Assuming nothing changes on that front, Clinton's ultimate fate as a presidential candidate will rest with the voters.

###

BBC: FBI Recommends No Charges Against Hillary Clinton Over Emails
http://www.bbc.com/news/world-us-canada-36711711

The FBI has announced it will not recommend criminal charges against Hillary Clinton over her use of private email while she was secretary of state.

FBI Director James Comey said "no reasonable prosecutor" would pursue a case but said the likely Democratic presidential nominee was "extremely careless" with classified information.

The decision ends the legal uncertainty that has dogged the Clinton campaign.

However, Mr Comey was highly critical of Mrs Clinton and her staff.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information," Mr Comey said.

"There is evidence that they were extremely careless in their handling of very sensitive, highly classified information."

Although the criminal investigation into Hillary Clinton's private email server is drawing to a close, the political fallout could last through the November general election.

The top-line from James Comey's news conference - no recommended indictments - is positive for the presumptive Democratic nominee, but the bureau's findings are sure to sting.

At this point, Donald Trump and the Republicans have a choice. They could attack the FBI for failing to throw the book at Mrs Clinton - as many on the right will be up in arms over this. Or they could hammer the former secretary of state on what Comey did say - using his words to paint her as evasive and reckless.

Do the former, and their message will likely be written off as yet more partisan conspiracy-mongering. Do the latter, and the blows will likely land on target.

In the past Mr Trump has overplayed his hand when presented with a target of opportunity. He was widely criticised for his response to the Orlando attacks and the UK Brexit vote, for instance.

Now he has been handed a golden cudgel, courtesy of the FBI. Will he know how to use it?

Key findings:

it is possible that "hostile actors" gained access to Mrs Clinton's email account

there were more than 100 emails that contained classified information when they were sent or received

Mrs Clinton employed multiple email servers and devices

the FBI said Mrs Clinton did not delete emails in an effort to conceal them

The likely Democratic presidential nominee's use of private email has been a talking point in the election, with critics saying Mrs Clinton believes she is above the law.

Republican presidential hopeful Donald Trump called the decision "very unfair" and said Mrs Clinton's use of private email compromised national security.

The Clinton campaign said on Tuesday that they were "glad that this matter is now resolved".

Mrs Clinton said she set up the email address for reasons of convenience, because it was easier to do everything from one device than to have several phones or tablets.

The FBI's findings also contradicted some of Mrs Clinton's previous statements about her private email.

Mrs Clinton had previously said she did not knowingly send any classified material from her account.

The FBI ended its investigation after agents interviewed Mrs Clinton for more than three hours over the weekend about her email habits.

It is ultimately up to the Department of Justice to decide whether to press charges, but Attorney General Loretta Lynch has said she would be follow the FBI's recommendation.

Mrs Clinton's campaign says it showed that her practices were consistent with those of other secretaries of state who "also used personal email" and she was "not unique" in doing it.

However, Mrs Clinton has apologised for using the private email system, calling it "a mistake".

"As I look back at it now, even though it was allowed, I should have used two accounts. ... I'm sorry about that. I take responsibility," she said.

On Tuesday, Mrs Clinton and President Barack Obama will campaign together in North Carolina.

###

Buzzfeed: The FBI Recommends No Criminal Charges Against Hillary Clinton Over Email Use (Kyle Blaine and Chris Geidner)
https://www.buzzfeed.com/kyleblaine/the-fbi-will-not-recommend-criminal-charges-against-hillary?utm_term .cxZgPPg9O#.kevj11jgr

FBI Director James Comey announced on Tuesday that the FBI is not recommending criminal charges against Hillary Clinton over her handling of classified information while serving as secretary of state.

Comey said that while there is evidence that Clinton and her team at the State Department were "extremely careless" in their handling of classified information, including emails Clinton sent and received, his department concluded charges were not appropriate in this case.

During his statement on Tuesday, Comey said that of the approximately 30,000 emails turned over to the FBI, 110 emails in 52 chains contained classified information, 8 of which contained information deemed top secret at time. While the FBI did not find any direct evidence that Clinton's server was compromised, Comey said it was possible foreign actors had gained access to her email.

"There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for that conversation," Comey said. Although the FBI has recommended no criminal charges, prosecutors at the Justice Department, along with the attorney general, ultimately make the final decision as to whether to bring a case against Clinton.

The recommendation concludes a months-long investigation by the FBI into whether Clinton violated federal law by communicating through of a private email server while serving as the nation's top diplomat. As part of the investigation, Clinton met with federal investigators on Saturday for an interview lasting three and a half hours, according to a campaign aide.

Attorney General Loretta Lynch announced last Friday that she would accept the recommendation of the FBI and career prosecutors at the Justice Department. That decision came after an unplanned meeting occured between Lynch and former President Bill Clinton on a tarmac in Phoenix, Arizona raising questions about Lynch's ability to remain impartial in the case.

In a statement, Clinton campaign spokesman Brian Fallon said, "We are pleased that career officials handling this case have determined that no further action by the Department is appropriate. As the Secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that his matter is now resolved."

Reacting to the FBI's recommendation on Tuesday, presumptive Republican presidential nominee Donald Trump tweeted: "FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem"

In another tweet, Trump wrote, "The system is rigged. General Petraeus got in trouble for far less. Very very unfair! As usual, bad judgment."

The month before Clinton announced her presidential bid last year, the New York Times reported that she had exclusively used a personal email account during her time at the State Department. Soon after, Clinton's decision to host that email account on a private server located in her New York home came to light.

In December 2014, Clinton submitted 55,000 pages of correspondence to the State Department for review. That cache of documents represents about half the email she sent during her tenure, according to Clinton.

The other half approximately 30,000 emails was deleted. While the Justice Department has held that Clinton, as a public official, was within her rights to determine what was private and what was public, government transparency advocates have criticized the private review process.

Clinton has said she did not participate in the review, which was conducted by lawyers.

The Clinton email episode also exposed holes in the State Department's records process. Aides to Clinton said they believed the State Department email system was capturing and recording emails sent to people at their state.gov accounts; a review last year revealed that many officials' emails were not in fact being recorded.

Likewise, Clinton never used a Blackberry secured by the State Department, instead using a personal device. But even if she had used a secured device, the State Department lacks a way to automatically capture text messages and the same was true for all federal agencies, as of last year.

In his statement on Tuesday, Comey touched upon the State Department's shortcomings, saying, "we also developed evidence that the security culture of the State Department in general, and with respect to use of unclassified e-mail systems in particular, was generally lacking in the kind of care for classified information found elsewhere in the government."

Clinton and her campaign also changed the story about her email use on a handful of notable instances. The documents that Clinton submitted to the State Department began on March 18, 2009, which was when Clinton began using the account she used during her tenure, according to aides. However, after a series of emails between Gen. David Petraeus and Clinton came to light, campaign officials confirmed that Clinton had actually begun using the account in January 2009.

In another instance, Clinton initially said she had neither sent nor received classified information via her personal account. Later, the campaign amended that to information "marked classified." That issue how Clinton handled sensitive or classified information dominated much of the coverage of her email and apparently the investigation into her email usage.

The State Department redacted parts of thousands of emails during their release of the Clinton documents, determining that they were classified in part or full, something that Clinton's campaign has argued is overclassification. The department did not release a dozen emails not even in redacted form after it was determined that those emails were top secret. According to the Times, some of those emails concerned aspects of the drone program.

Clinton herself has been, at times, dismissive of the investigation and scrutiny into her email practices, once sarcastically telling reporters, "With a cloth or something?" when asked whether she had wiped her server.

###

The Guardian: FBI Director Recommends 'No Charges' After Ending Clinton Email Investigation (Dan Roberts, David Smith)
https://www.theguardian.com/us-news/2016/jul/05/fbi-no-charges-hillary-clinton-email-investigation

The threat of criminal charges hanging over Hillary Clinton was finally lifted by the FBI on Tuesday just hours before the presumptive Democratic nominee for president was due to begin campaigning with Barack Obama for the first time this election cycle.

At a press conference in Washington, FBI director James Comey announced the end of the year-long investigation into whether Clinton's use of a private email server while secretary of state warranted prosecution under laws designed to protect classified government data.

Though highly critical of the "extremely careless" way in which emails were handled, Comey said the FBI would not be recommending that prosecutors seek charges in the case.

"Although there is evidence of potential violations of the statutes … our judgment is that no reasonable prosecutor would bring such a case," said Comey.

Critically, the FBI said that other similar cases in which a prosecution had been sought involved evidence of "willful or intentional" breaches of the rules, "vast quantities" of data or "indications of disloyalty or efforts to obstruct justice". "We do not see that here," he said.

"We are pleased that the career officials handling this case have determined that no further action by the Department is appropriate," said Clinton campaign spokesman Brian Fallon in a statement. "As the secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that this matter is now resolved," he added.

Nonetheless the detail of the FBI's investigation is likely to hit Clinton politically. Comey revealed that of the 30,000 emails returned to the state department, 110 emails in 52 chains were determined to contain classified information at the time they were sent.

Eight of those chains contained information that was top secret at the time, 36 chains contained secret information at the time, and eight contained confidential information, the lowest level of classification, he said.

Several thousand work related emails were not among those returned to the government and appeared to have been deleted.

Clinton has always insisted that no classified emails were sent or received using her private account, although some were later reclassified by intelligence officials when the state department began publishing some of the traffic in a transparency exercise.

An indictment could have wrecked Clinton's election hopes and perhaps opened the door for Donald Trump to become president.

Instead, the FBI recommendation in effect marks an end to the legal threat against her and her staff. Under pressure from Republicans, both Obama and his attorney general, Loretta Lynch, have been forced to stress that there would be no political interference in the FBI inquiry and that the US Department of Justice would accept the conclusion of career officials involved in the case.

The sensitivity of the investigation was nonetheless underscored by the timing of Comey's remarks just hours before Clinton was due to board Air Force One with Obama bound for Charlotte, North Carolina, where the two will speak together in the president's first campaign event of the 2016 election.

Comey's remarks are likely to cloud what was hoped would be a triumphant dual appearance, particularly if it gives fresh ammunition to Trump, who also appears in the state later on Tuesday.

The Republican candidate greeted Comey's announcement by claiming the "system is rigged".

###

Independent: FBI Director Says 'No Charges' For Hillary Clinton Amid Email Scandal (Rachael Revesz)
http://www.independent.co.uk/news/world/americas/fbi-director-says-no-charges-for-hillary-clinton-amid-email-scandal-a7121076.html

The Federal Bureau of Investigation director James Comey has said Hillary Clinton sent and received more than 100 emails from her personal email server which contained classified information, but has recommended no charges.

The FBI combed through around 30,000 emails, across more than one server and a timespan of four years, and found at least 110 emails which had either "top secret" or "classified" details.

Although charges were not expected to be recommended by the FBI, the news will still be embarassing for Ms Clinton on the same day that president Barack Obama will join her on the campaign trail.

Mr Comey branded Ms Clinton and her aides as "extremely careless" when sending and receiving emails on her personal server throughout her tenure as secretary of state.

"There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for that conversation," he said.

He added that Ms Clinton had used her personal email server "extensively" outside of the US and "in the territory of sophisticated adversaries", which means it was "possible" that "hostile actors" hacked her email account.

He determined, however, that although Ms Clinton should not be charged she had not carried out criminal behaviour, and there was "no evidence" that Ms Clinton had deliberately deleted emails to hide from authorities.

"There are obvious considerations, like the strength of the evidence, especially regarding intent. Responsible decisions also consider the context of a person's actions, and how similar situations have been handled in the past," he said.

"In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," he said.

"All the cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here."

"I should add here that we found no evidence that any of the additional work-related e-mails were intentionally deleted in an effort to conceal them," he said.

Mr Comey found that “no reasonable prosecutor” would bring charges.

The Justice Department will make the final decision, taking the FBI's remarks into account, as to whether or not Ms Clinton will face charges.

He stressed that his investigation had been carried out “independently”, with no outside influence, and took a year to complete.

###

Telegraph: FBI Recommends No Criminal Charges Against Hillary Clinton in Email Scandal (Nick Allen and David Lawler)
http://www.telegraph.co.uk/news/2016/07/05/fbi-recommends-no-criminal-charges-against-hillary-clinton-in-em/

The FBI has recommended that Hillary Clinton not face criminal charges following a long and controversial investigation into her use of a private email server while she was US Secretary of State.

James Comey, the FBI Director, made the announcement three days after agents interviewed Mrs Clinton for three-and-a-half hours.

However, he said she had been "extremely careless" in handling sensitive information.

He said it was possible that "hostile actors" including foreign states had gained access to Mrs Clinton's personal email account.

Donald Trump, Mrs Clinton's Republican opponent, said: "The FBI director said Crooked Hillary compromised our national security. No charges. Wow. The system is rigged. As usual, bad judgment. Very, very unfair."

Mr Comey said: "Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive highly classified information."

Seven email chains included "Top Secret" information, classified as such at the time they were sent and received.

Mr Comey said: "There is evidence to support the conclusion that any reasonable person in Secretary Clinton's position, or in the position of those with whom she was corresponding about those matters, should have known that an unclassified system was no place for that conversation."

He added: "None of these emails should have been on any kind of unclassified system but their presence is especially concerning because all of these emails were housed on unclassified personal servers not even supported by full time security staff."

Mr Comey said there was "no direct evidence" Mrs Clinton's email was hacked successfully.

He said: "But given the nature of the system, and of the actors potentially involved, we assess that we'd be unlikely to see such direct evidence."

Mr Comey said: "We are expressing to the Justice Department our view that no charges are appropriate in this case. "This is not to suggest that, in similar circumstances, a person who engaged in this activity would face no consequences."

At a glance: Hillary Clinton's emails

What's all this about Hillary Clinton's emails?

From 2009 to 2013, Clinton used a personal server and email address - hdr22@clintonemail.com - during her four years as secretary of state.

She also reportedly set up addresses for her aide, Huma Abedin, and State Department Chief of Staff Cheryl Mills.

She did not activate or use an official state.gov email account. That account would have been hosted on secure US government servers.

Why did she use a personal email address for official correspondence?

During a press conference at the UN, Clinton said that she preferred to carry just one smartphone with one email address, rather than have separate devices (one for work, one for personal emails). At the time, government-issued Blackberry phones were reportedly unable to access multiple email accounts.

So why the controversy?

Critics claim there was a security risk if restricted government business was sent over personal email servers (Clinton says no information in her emails was marked classified at the time she sent or received them). They also say Clinton could skirt around freedom of information requests and have sole control of what information was handed over to interested parties, like the congressional committee investigating 2012's attack on the US consulate in Benghazi.

Were any rules broken?

It's a legal grey area. Federal law during Clinton's tenure called for the archiving of such private email records when used for government work, but did not set out clear rules or punishments for violations until rules were subsequently tightened after she left office. In 2011, when Clinton was secretary, a cable from her office sent to all employees advised them to avoid conducting any official business on their private email accounts because of targeting by unspecified "online adversaries."

On 2 July 2016, Clinton was voluntarily interviewed by FBI officers for three and a half hours. Nick Merrill, her spokesman, said: "Secretary Clinton gave a voluntary interview this morning about her email arrangements while she was secretary.

"She is pleased to have had the opportunity to assist the Department of Justice in bringing this review to a conclusion. Out of respect for the investigative process, she will not comment further on her interview."

On 5 July, the FBI announced it will not recommend criminal charges in relation to the investigation,

How many emails are we talking?
Clinton says she sent or received 62,320 emails while secretary of state. Her lawyers say 30,490 of those were official and they've been turned over to the State Department.

Mrs Clinton said the remaining emails are private and are about matters like her daughter's wedding and her mother's funeral.

###

Irish Times: FBI Recommends No Criminal Charges Over Hillary Clinton Emails (Simon Carswell)
http://www.irishtimes.com/news/world/us/fbi-recommends-no-criminal-charges-over-hillary-clinton-emails-1.2711371

The FBI has recommended that no criminal charges be brought against Democratic presidential candidate Hillary Clinton over her use of a private email server when she served as US secretary of state from 2009 to 2013.

In a decision that will reverberate in this year's presidential race, FBI director James Comey said that investigators and prosecutors had concluded that there was insufficient evidence to bring a criminal case against Mrs Clinton, lifting a cloud that has overshadowed her campaign for almost a year.

While Mr Comey's decision will come as a relief to the Democratic candidate, he was highly critical of Mrs Clinton and her staff for their use of a private email server, calling them "extremely careless" in their handling of highly classified and sensitive government information.

Though critical of how the emails were handled, Mr Comey said that the FBI would not be recommending that prosecutors bring charges in the case.

"Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgement is that no reasonable prosecutor would bring such a case," he said.

"In looking back at our investigations into the mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these faces."

Mr Comey said that past prosecutions over the mishandling of classified information in other cases were "clearly intentional and willful," intentional misconduct," or indicated disloyalty to the United States or efforts to obstruct justice. "We do not see that here," he said.

Still, he delivered damaging findings against Mrs Clinton over her use of an unclassified private email server at her home in Chappaqua, New York that will raise further questions on the campaign trail about her judgement and will be used against her in her second attempt to be elected president of the US.

"Any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have know that an unclassified system was no place for that conversation," said the FBI director.

Mr Comey said that out of 30,000 emails handed over by Mrs Clinton to the State Department 110 emails in 52 email chains contained classified information at the time they were sent or received. Eight of the email chains contained information that was deemed "top secret" at the time they were sent.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information," he said.

The FBI did not find any evidence that Mrs Clinton's email had been hacked directly but they did conclude that "hostile actors did gain access to private email accounts that corresponded with Mrs Clinton's account," said Mr Comey.

Investigators found that she used her personal email extensively while outside the United States "in the territory of sophisticated adversaries.
"It is possible that hostile actors gained access to Secretary Clinton's personal email account," he said.

The FBI announcement comes at an awkward time for Mrs Clinton and for the Obama administration. She is due to appear alongside President Barack Obama on a stage later this afternoon in his first campaign appearance in his former secretary of state's presidential campaign in Charlotte, North Carolina.

Mr Comey made his findings public two days after Mrs Clinton gave what her campaign spokesman called a "voluntary" interview with investigators at the FBI headquarters in Washington DC for three and a half hours on Saturday.

The FBI director said that "no outside influence of any kind" was brought to bear in reaching his decision.

His findings mean that Mrs Clinton will likely escape any kind of prosecutorial censure given that US attorney general Loretta Lynch said on Friday that the Justice Department would accept whatever recommendation made to her by the FBI.

"We have expressed to Justice our view that no charges are appropriate in this case," said Mr Comey.

Presumptive Republican presidential nominee Donald Trump, Mrs Clinton's rival in the November presidential election, tweeted in response to the FBI's decision: "The system is rigged. General Petraeus got in trouble for far less. Very, very unfair! As usual, bad judgment."

General David Petraeus resigned as the director of the CIA in 2012 over an extramarital affair and later pleaded guilty to a misdemeanour charge for passing classified information to his biographer with whom he had been having an affair.

Mr Trump later tweeted: “FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem.”

###

CBC News: FBI Recommends No Charges Against Clinton In Email Probe
http://www.cbc.ca/news/world/clinton-email-fbi-1.3665051

The FBI will not recommend criminal charges in its investigation into Hillary Clinton's use of a private email server while she was secretary of state, the bureau's director says.

James Comey made the announcement Tuesday, three days after FBI agents interviewed Clinton now the presumptive Democratic nominee in the race for the White House in the final step of its investigation.

"We cannot find a case that would support bringing criminal charges," Comey said at a news conference in Washington after describing the "painstaking" investigation.

"Our judgment is that no reasonable prosecutor would bring such a case."

Audit says Clinton ignored rules with private email server

But Comey also said Clinton and her colleagues at the Department of State had been "extremely careless" with classified material noting that 110 emails, in 52 different email chains, contained classified information when Clinton sent them. Eight of those chains contained top secret information, he said.

"None of these emails should have been on any kind of unclassified system," he said.

Comey also said it's possible that "hostile actors" might have hacked into Clinton's servers, and that the former secretary of state checked, sent and received work-related messages from her personal email while in foreign countries.

The Justice Department has been looking into whether anyone mishandled classified information that flowed through Clinton's email server, and whether emails relevant to the investigation were deleted. Mishandling classified material is a felony under U.S. law.

Clinton provided some 30,000 emails to investigators. Many others had been deleted but were recovered, Comey said.

Not enough to recommend a charge

He said the case lacked the "clearly intentional and wilful" mishandling of information, or the exposure of "vast quantities" that would warrant a recommendation of charges.

Attorney General Loretta Lynch said last week that she would accept the recommendations of Comey and career prosecutors.

The Clinton team, meanwhile, said they were "pleased" the FBI recommended no further action by the Justice Department.

"As the Secretary has long said, it was a mistake to use her personal email and she would not do it again," Brian Fallon, Clinton's campaign spokesman, said in a statement. "We are glad that this matter is now resolved."

Comey's announcement came as President Barack Obama campaigned with Clinton for the first time on Tuesday, in North Carolina.

Clinton and Obama's first joint appearance was to begin at 3:15 ET and the White House says neither will address the email investigation. Obama plans to make a "forceful case" for Clinton to be his successor.

Trump alleges 'rigged' system

Although Comey's announcement removes the threat of criminal charges, it's unlikely to eliminate concerns about Clinton's trustworthiness.

"To be clear, this is not to suggest that in similar circumstances, a person who engaged in this activity would face no consequences," Comey allowed.

"To the contrary, those individuals are often subject to security or administrative sanctions. But that is not what we are deciding now."

Comey's recommendation to the Justice Department not to prosecute almost certainly won't stop Republican presidential candidate Donald Trump from continuing to make the server a campaign issue. Within moments, Trump alleged the system was "rigged" in Clinton's favour.

Clinton's personal email server, which she relied on exclusively for government and personal business, has dogged her campaign since The Associated Press revealed its existence in March 2015.

She has repeatedly said that no email she sent or received was marked classified, but the Justice Department began investigating last summer following a referral from the inspectors general for the State Department and the intelligence community.

Critical audit

The scrutiny was compounded by a critical audit in May from the State Department's inspector general, the agency's internal watchdog, which said that Clinton and her team ignored clear warnings from department officials that her email setup violated federal standards and could leave sensitive material vulnerable to hackers.

Clinton declined to talk to the inspector general, but the audit said that she had feared "the personal being accessible" if she used a government email account.

Top aides also interviewed

The Clinton campaign said agents interviewed her this past Saturday for 3.5 hours at FBI headquarters. Agents had earlier interviewed top Clinton aides including her former State Department chief of staff, Cheryl Mills, and Huma Abedin, a longtime aide who now is the vice chairwoman of Clinton's campaign.

Lynch on Friday said that she would accept whatever findings and recommendations were presented to her. Though she said she had already settled on that process, her statement came days after an impromptu meeting with Bill Clinton on her airplane in Phoenix that she acknowledged had led to questions about the neutrality of the investigation.

###

News Corp Australia: FBI: Hillary Clinton Should Not Be Charged Over Her Private Email Server
http://www.news.com.au/world/north-america/fbi-hillary-clinton-should-not-be-charged-over-her-private-email-server/news-story/a9d2956f8dd7d9aff39ef7bafb76f9ff

Hillary Clinton will not be indicted over her use of a private email server after the FBI found while she was “extremely careless” there was no “intentional misconduct”.

FBI Director James Comey’s decision almost certainly brings the legal part of the issue to a close and removes the threat of criminal charges.

US Attorney General Loretta Lynch said last week that she would accept the recommendations of the FBI director and of career prosecutors. “No charges are appropriate in this case,” Mr Comey said in making his announcement.

But Mr Comey made that statement after he delivered a blistering review of Ms Clinton’s actions, saying the FBI found that 110 emails were sent or received on Ms Clinton’s server containing classified information.

He said Ms Clinton and her aides were “extremely careless and added that it was possible that people hostile to the US had gained access to her personal email account.

Yet he added that after looking at similar circumstances, the agency believed that “no reasonable prosecutor would bring such a case.”

Ms Clinton’s presidential campaign said it was “pleased” over the FBI’s decision not to recommend criminal charges over her handling of emails.

“We are pleased that the career officials handling this case have determined that no further action by the (Justice) Department is appropriate,” her campaign spokesman Brian Fallon said in a statement. “As the secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that this matter is now resolved.”

The announcement came three days after the FBI interviewed Ms Clinton for hours in a final step of its year-long investigation into the possible mishandling of classified information.

Though his recommendation apparently ends the legal threat, it's unlikely to wipe away many voters' concerns about Ms Clinton's trustworthiness. And it certainly didn't stop Republican presidential candidate Donald Trump, who has called for criminal charges, from trying to gain mileage from the scandal.

Ms Clinton's personal email server, which she relied on exclusively for government and personal business, has dogged her campaign since The Associated Press revealed its existe nce in March 2015.

She has repeatedly said that no email she sent or received was marked classified, but the Justice Department began investigating last summer following a referral from the inspectors general for the State Department and the intelligence community.

The scrutiny was compounded by a critical audit in May from the State Department's inspector general, the agency's internal watchdog, which said that Ms Clinton and her team ignored clear warnings from department officials that her email setup violated federal standards and could leave sensitive material vulnerable to hackers. Ms Clinton declined to talk to the inspector general, but the audit said that she had feared "the personal being accessible" if she used a government email account.

The Clinton campaign said agents interviewed her this past Saturday for three-and-a-half hours at FBI headquarters.

Agents had earlier interviewed top Clinton aides including her former State Department chief of staff, Cheryl Mills, and Huma Abedin, a longtime aide who now is the vice chairwoman of Clinton's campaign.

Ms Lynch on Friday said that she would accept whatever findings and recommendations were presented to her. Though she said she had already settled on that process, her statement came days after an impromptu meeting with Bill Clinton on her airplane in Phoenix that she acknowledged had led to questions about the neutrality of the investigation.

###

PBS: FBI Director Recommends 'No Charges' Over Clinton's Emails
http://www.pbs.org/newshour/rundown/watch-live-fbi-director-speaks-at-11-a-m-edt/

FBI Director James Comey turned over the investigation into Hillary Clinton's use of a personal email server to the Justice Department on Tuesday, saying he did not recommend any criminal charges be brought against her or her colleagues.

He said in a statement read to reporters that while Clinton and her colleagues were "extremely careless" in their handling of classified information, they did not intend to breach government laws.

Whether or not the information was marked "classified", they should have known that the highly sensitive information was vulnerable on a private email server that was not supported by a full-time security staff, he said.

Comey also said there was no direct evidence that Clinton's personal email domain was hacked successfully, but her domain name was widely known and people she was in contact with could have been hacked. In addition, Clinton used the email service even in the territory of hostile actors, he added.

Nonetheless, Comey said he did not recommend that the Justice Department pursue criminal charges, because the mishandling of sensitive information was not intentional.

Comey described the agency's investigation as "painstaking" and complicated, saying FBI investigators read all of the 30,000 emails Clinton provided in 2014 and combed through additional ones tracked down from other employees. Of the 30,000 emails, 110 emails in 52 email chains were determined to be classified at the time they were sent, including eight email chains deemed "top secret".

Another 2,000 emails were considered classified later, he said.

Comey's statement came days after the FBI interviewed Clinton, the presumptive Democratic presidential nominee, about her private email server while she was President Barack Obama's secretary of state.

In response to Comey's announcement, a Clinton spokesman said the campaign was pleased with the agency's conclusion and that it was a "mistake" for Clinton to have used her personal email, the Associated Press reported.

###

Business Insider: FBI Recommends No Charges for Hillary Clinton Over Use of Email Servers (Maxwell Tani)
http://www.businessinsider.com/fbi-recommends-no-charges-hillary-clinton-email-2016-7

FBI Director James Comey announced on Tuesday that the agency would not recommend that the Department of Justice bring charges against Hillary Clinton over her use of private email servers to conduct official government business as secretary of state.

In a surprise press conference, Comey said the agency's investigation found that Clinton did send and receive classified information on her private email system but noted that there was no evidence that she deliberately attempted to mislead investigators.

The FBI director said Clinton's conduct did not meet the threshold used to prosecute past violators who shared classified information over unclassified channels.

"In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," Comey said.

He continued: "All the cases prosecuted involved some combination of clearly intentional and willful mishandling of classified information, or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct, or indications of disloyalty to the United States, or efforts to obstruct justice. We do not see those things here."

Though the director said there was no evidence to suggest that work-related emails were intentionally deleted, he offered a blistering criticism of Clinton's email practices.

"To be clear, this is not to suggest that in similar circumstances a person who engaged in this activity would face no consequences," Comey said.

"There is evidence that they were extremely careless in handling classified information," he added.

Comey also said it was "possible" that hostile actors gained access to Clinton's personal email account.

Comey also offered some of the FBI's findings to reporters:

Eight emails Clinton sent were classified as "top secret" at the time they were sent

36 email chains contained "secret" information

Eight others contained "confidential" information (the lowest level of classification)

2,000 additional emails were later "up-classified" to confidential status

110 emails in 52 email chains in total were determined to contain classified info at the time they were sent or received

The FBI concluded its investigation after interviewing Clinton on Saturday for more than three hours about her use of several classified servers.

Presumptive Republican presidential nominee Donald Trump, responding to Comey's press conference in a series of tweets Tuesday, called the agency's determination "very, very unfair."

"FBI director said Crooked Hillary compromised our national security. No charges. Wow!" he wrote, adding the hashtag "#RiggedSystem."

Since the New York Times revealed Clinton's use of a private email server, the former secretary of state maintained that she did not send or received classified information on her personal email. Some observers note, however, that she recently tweaked her language, saying that she was "confident" that she never sent or received classified information.

###

Fortune: Hillary Clinton Is Off The Hook Legally, But Not Politically (Ben Geier)
http://fortune.com/2016/07/05/hillary-clinton-fbi-email/

It's good news, bad news for Clinton.

In a press conference on Tuesday, FBI Director James Comey announced that despite "extreme carelessness" shown by Hillary Clinton in her use of a personal server to send email messages with classified information while she was Secretary of State, the Bureau would not recommend to the Justice Department that criminal charges be filed against the presumptive Democratic presidential nominee.

Comey said that “no reasonable prosecutor” would bring charges against Clinton given the evidence and the precedent set by similar past cases.

With Attorney General Loretta Lynch having said she would follow the recommendation of the FBI, this means that Clinton is almost certainly in the clear legally on the matter. Politically, though, this could be a serious problem for her campaign as the general election heats up.

If there is one thing that has plagued Clinton this campaign season, it is a lingering belief that she is not trustworthy. Donald Trump, her presumptive Republican opponent this fall, has taken to calling her “Crooked Hillary.” Even though Comey decided not to recommend that charges be brought against Clinton, the press conference he gave on Tuesday could be cut up into an attack ad that could drive home the Republican point that Clinton lacks good judgment.

Trump had already taken to Twitter to talk about the press conference.

Comey said that “any reasonable” person in Clinton’s position should have known that it was a bad idea to put classified information on her private server. He repeatedly noted that it wasn’t just that it was a non-government server, but also a non-commercial server. This means that there was no constant security over the messages kept on that server.

“None of these e-mails should have been on any kind of unclassified system,” Comey said.

Legally, Clinton is in the clear. But American voters care about leadership and character when choosing a president. Clinton already faced a challenge convincing voters she was sufficient in these areas. Tuesday’s news doesn’t make it any easier to close that gap.

###

Vox: FBI Director Says “No Reasonable Prosecutor” Would Indict Clinton Over Emails, (Andrew Prokop)
http://www.vox.com/2016/7/5/12096352/hillary-clinton-fbi-email

In a statement Tuesday morning, FBI Director James Comey announced that the bureau had completed its investigation into Hillary Clinton’s emails and was recommending to the Justice Department that no charges be filed.

"Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case," Comey said.

Comey’s statement was harsh and, at times, damning:

He said that 113 emails on Clinton’s servers contained information that was classified at the time.

He said Clinton and her colleagues were "extremely careless in their handling of very sensitive, highly classified information."

He said it was "possible" that "hostile actors gained access to Secretary Clinton's personal account" the FBI didn't find "direct evidence of this," but it would be unlikely that such direct evidence would exist.

However, despite this carelessness, Comey said, he didn't believe the offenses here rose to the level of past prosecutions related to classified information.

"In looking back at our investigations into the mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," he said. Past prosecutions, he said, generally involved "clearly intentional and willful mishandling," "vast quantities of materials," or "indications of disloyalty to the United States or efforts to obstruct justice."

"We do not see those things here," he said. So, he continued, "we are expressing to Justice our view that no charges are appropriate in this case."

Comey added that "no outside influence of any kind was brought to bear" on the investigation. "This investigation was done honestly, competently and independently."

What did Hillary Clinton do?

News broke last year that while serving as secretary of state, Clinton used a personal email account hosted on a private server Clintonemail.com for her work-related emails. (In his statement, Comey said there were actually several servers involved at various points.)

There are several reasons this was problematic.

First of all, government officials are supposed to preserve their work-related emails in accordance with federal record-keeping laws and regulations. But Clinton made no contemporaneous effort to do that, and only turned over those emails she deemed to be work-related after she had stepped down (and after State officials started asking where her records were).

Now, it's not like all of Clinton's correspondence vanished whenever Clinton emailed her subordinates on their own government email accounts, those records were preserved from their ends. Plus, Secretary of State Colin Powell also used a personal email account for all his work. Still, the State Department's inspector general came down pretty hard on Clinton for not appropriately complying with record-keeping policies in a report in May.

But the most legally consequential issue has been the question of whether classified information, which is supposed to only be discussed on secure systems, was mishandled. That has been what the FBI has been investigating for the past year or so.

Some of the emails at issue reportedly related to planned drone strikes in Pakistan

According to a Wall Street Journal report by Adam Entous and Devlin Barrett last month, the FBI probe has focused on a series of "vaguely worded" emails from Clinton aides about planned CIA drone strikes in Pakistan.

At the time in 2011 and 2012 State officials had the opportunity to object to certain planned drone strikes. And since the drone program itself is classified, deliberations of this nature should have been, and generally were, done over a secured system.

However, officials did occasionally use their regular email to discuss these matters. For instance, Entous and Barrett wrote, there were certain instances when "decisions about imminent strikes had to be relayed fast" and "US diplomats in Pakistan or Washington didn't have ready access to a more-secure system, either because it was night or they were traveling."

Since uses of unclassified email to discuss "sensitive but fast-moving events" occasionally took place throughout the government, the Journal's report had suggested that criminal charges over it were unlikely.

Indeed, Comey chided "the State Department in general" for a culture that lacked "the kind of care for classified information that's found elsewhere in the US government."

Donald Trump has preemptively tried to delegitimize the FBI's conclusion
Many Republican voters have long hoped that Clinton would face criminal charges over the email matter. Conservative media outlets have long suggested that indictments were sure to be forthcoming, and that the only possible explanation for Clinton not being indicted would be corruption from the Obama Justice Department.

Indeed, as you can see above, Donald Trump has been making this argument explicitly in recent days. And he got a bit of an assist last week, when former President Bill Clinton met with Attorney General Loretta Lynch while both of their planes were at the same airport tarmac. (Lynch later said that taking the meeting was a mistake, and that to avoid the appearance of impropriety, she'd accept whatever recommendation the FBI director made about filing charges in the case.)

Still, it may be difficult to characterize Comey as a partisan hack he's a Republican who served as a US attorney and then deputy attorney general for the George W. Bush administration. (In that latter job, he became known for resisting the administration's efforts to authorize a surveillance program that the Justice Department had concluded was illegal.) And his statement on Clinton was quite harsh.

Overall, though, Democrats generally will be breathing sighs of relief about this outcome. For months, the conventional wisdom in Washington has been that no indictments of Clinton or her aides were forthcoming. However, as long as the FBI investigation was continuing, there was still the possibility of criminal charges that could throw the campaign into chaos. Now, while Clinton certainly has a good deal explaining to do to voters about her emails, she won't have to do it in court.

###

Mother Jones: The Hillary Clinton Email Case Will Never Be Over (David Corn)
http://www.motherjones.com/politics/2016/07/clinton-email-comey-fbi-trump

There will never be an end to Hillary Clinton email controversy.

In an unprecedented public statement on Tuesday morning, FBI Director James Comey, who started his career in government law enforcement as a Republican-appointed US attorney, declared that his bureau

had concluded after a painstaking investigation of Clinton's handling of her emails when she was secretary of state that no criminal charges ought to be brought in the case. He noted that the final call was up to career prosecutors in the Justice Department. No doubt, the FBI's recommendation will carry much weight in any further deliberations.

Comey revealed that the FBI had found no evidence of "intentional" wrongdoing: no destruction of emails for nefarious reasons, no purposeful attempt to skirt classification rules, no effort to hide information from the public or investigators. (And nothing about Benghazi.) And he went on to say:

[O]ur judgment is that no reasonable prosecutor would bring such a case. Prosecutors necessarily weigh a number of factors before bringing charges. There are obvious considerations, like the strength of the evidence, especially regarding intent. Responsible decisions also consider the context of a person's actions, and how similar situations have been handled in the past.

In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here.

So that's the good news for the Clinton crowd. Unless the DOJ prosecutors disregard the FBI recommendation, Clinton is in the clear, legally speaking. All the talk of her facing an indictment which was always uninformed speculation goes poof. (This case is a reminder that not all bad government conduct is illegal.)

But the squabbling over the Clinton emails isn't done. Comey reaffirmed that the FBI had found serious problems with Clinton's email arrangement. One hundred and ten emails (of the 30,000 work-related emails Clinton turned over to the State Department after leaving) contained classified information at the time they were sent. Eight email chains contained Top Secret material. And the FBI discovered several thousand work-related emails that had not been part of the group Clinton returned. The bottom line: Clinton and her aides "were extremely careless in their handling of very sensitive, highly classified information." (Comey added that "the security culture of the State Department in general, and with respect to use of unclassified e-mail systems in particular, was generally lacking in the kind of care for classified information found elsewhere in the government.")

And it gets worse. Comey noted that the FBI found no "direct evidence" that Clinton's emails were hacked. But he added, "We assess it is possible that hostile actors gained access to Secretary Clinton's personal email account."

To sum up, she and her team were sloppy, if not reckless, and perhaps exposed US secrets and her internal deliberations to other nations or outside groups. This is hardly a reassuring finding. Consequently, each side in the Clinton wars can walk away with ammunition from Comey's remarks. The Clinton people can contend that the controversy is over, she has been cleared, and it's time to move on. Her foes can say she engaged in irresponsible action that potentially threatened national security (and, of course, they can claim that the well-regarded Comey is now part of a conspiracy to protect her).

It's not likely that the email fuss will go away. Presumptive Republican nominee Donald Trump and his minions will not stop pointing to the matter as evidence of Clinton's supposed crookedness and the right-wing calls to imprison her will not be silenced. (There's too much money to be made off "Hillary Clinton for Prison 2016" t-shirts.)

The blame for the scandal or scandalette remains with Clinton and her team. It was a dumb move for her to use private email servers especially when she and her aides could have assumed that Clinton, as a potential presidential candidate, would face greater scrutiny. And when her attorneys destroyed 30,000 or so emails they deemed personal before turning over the rest to the State Department, they guaranteed this matter could never be fully settled, for her critics could always charge that incriminating material had been erased to protect her.

The email controversy will not now be deleted. It is too good of an attack line for Clinton's opponents, especially Trump. Only Election Day results can put this matter to rest. Then again, maybe not.

###

The Verge: The FBI Recommends Not To Indict Hillary Clinton For Email Misconduct (Russell Brandom)
http://www.theverge.com/2016/7/5/12096364/hillary-clinton-email-probe-fbi-indict-private-server

The Federal Bureau of Investigation has completed its investigation into Hillary Clinton's use of a personal email server and is recommending that the Department of Justice not indict Clinton, FBI Director James Comey said in a press conference today. The recommendation is not binding, and the ultimate decision will be made by the Department of Justice. Still, the recommendation will likely clear longstanding questions that have dogged Clinton's presidential campaign for over a year.

The recommendation is the result of a painstaking investigation by the bureau, which uncovered a number of new details. The investigation determined that 110 emails in 52 email chains contained classified information, including 8 chains containing information that was marked as top secret at the time, Director Comey said. Secretary Clinton used several different email servers and numerous mobile devices, and many of those servers were decommissioned and otherwise altered as they were replaced. "None of these emails should have been on any kind of unclassified system," Comey said in the announcement. "Even if information is not marked classified in an email, participants who know that the subject matter is classified are still obligated to protect it."

Despite the significant evidence and serious nature of the misconduct, the FBI ultimately decided that a prosecution would not be appropriate. "Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case," Comey said.

"In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," Comey continued. "All the cases prosecuted involved some combination of clearly intentional and willful mishandling of classified information, or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct, or indications of disloyalty to the United States, or efforts to obstruct justice. We do not see those things here."

Comey also insisted that the decision had been made in an entirely impartial manner, uninfluenced by the larger political pressures of a presidential campaign. "No outside influence of any kind was brought to bear," he said. "Only facts matter, and the FBI found them here in an entirely apolitical and professional way."

Clinton has drawn significant criticism for conducting state department business from a privately managed email server. The practice was first revealed as part of the House Intelligence Committee's investigation into the Benghazi attacks. Because the server was privately run, it wasn't subject to requests under public records laws, a major violation of government transparency rules. As a result, many of Clinton's emails were inaccessible to both the public and the House committee.

Hosting official emails on a private server also raised serious security concerns. Clinton's private account was unclassified, and did not have the benefit of any of the government's significant IT and security resources, making it a tempting target for foreign agents looking for insight into US diplomacy. Nonetheless, an inspector general review found that Clinton sent classified information through the private system a number of times. The State Department's non-classified email system was infiltrated by digital attackers during the same period, an attack many researchers have linked to Russia.

The FBI investigation found no direct evidence that Clinton's server was compromised, but given the sophistication of many of the actors that would target Clinton, Comey said "we suspect we would be unlikely to see such evidence." As a result, the bureau believes it's entirely possible that Clinton's server was infiltrated by hostile actors.

Clinton has since released the bulk of the emails sent from the private server, although watchdog groups found 160 emails missing from the public release. The State Department Inspector General found Clinton's practice to be a clear violation of both departmental and federal email policies. Clinton herself has admitted the practice was a mistake. "If I could go back, I would do it differently," she told ABC News in May. "I know people have concerns about this."

But after a thorough investigation, the FBI decided that misconduct wasn't enough to justify a criminal charge. The section of the criminal code dealing with documents containing classified material says a crime has been committed when a government official "knowingly removes such documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location." Some observers have argued that Clinton's misconduct was not knowing, although many of the facts found by the FBI's investigation complicate that argument.

###

NPR: FBI Recommends No Charges For Hillary Clinton In Email Server Case (Camila Domonoske)
http://www.npr.org/sections/thetwo-way/2016/07/05/484785586/fbi-recommends-no-charges-for-hillary-clinton-in-email-server-case

Hillary Clinton and her staff were "extremely careless" in handling classified data over a private email server while she was secretary of state, FBI Director James Comey said Tuesday but the FBI is recommending that no charges be brought against her.

Comey said his agency found more than a hundred emails contained information that was classified at the time they were sent and received emails which should not have been on "any kind of unclassified system," Comey said.

He also said the FBI considered it possible that Clinton's email domain had been hacked by a "hostile actor."

But Comey said their evidence points to carelessness instead of intentional violations and given that, they do not suggest criminal charges.

Clinton's use of a personal email account and private server to conduct official business has already been criticized by the State Department's independent watchdog group as a violation of department policy.

The FBI spent months investigating whether the presumptive Democratic nominee intentionally or negligently mishandled classified information on her personal email account and private server.

Clinton has said that she never used her personal email to send information that was marked classified at the time, although some of her emails had been retroactively classified.

Comey says that's not true. Of 30,000 emails Clinton turned over to the State Department in 2014, FBI investigators found 110 emails containing information that was classified at the time the email was sent. Eight of those were top secret, the highest level of classification.

Those emails should never have been sent on any kind of unclassified system, Comey said. He further pointed out that Clinton's personal email set-up involved no full-time security staff like she would have benefited from if she had been on a government system, or even just on Google's Gmail service.

Another 2,000 emails have been retroactively classified since they were sent, Comey said.
And by poring over email fragments on servers and accessing the email archives of government employees, investigators also found several thousand work-related emails that were not included in the 30,000 emails Clinton released to the State Department in 2014. Three of those newly-discovered emails contained classified information.

But, Comey said, the FBI did not find any indication that those emails had been intentionally concealed from investigators.

"Our assessment is that, like many email users, Secretary Clinton periodically deleted emails or emails were purged from the system when devices were changed," Comey said. "Because she was not using a government account or even a commercial account like Gmail there was no archiving at all of her emails, so it is not surprising that we discovered emails that were not on Secretary Clinton's system in 2014, when she produced the 30,000 e-mails to the State Department."

Indeed, he noted that it was likely there were even more work-related emails that Clinton's lawyers had missed in 2014, and the FBI could not find on servers or other email archives. Those emails would be "gone" now, because of the way Clinton's lawyers "cleaned their devices," Comey said. But he noted that the FBI did not find any evidence of intentional misconduct by Clinton's lawyers.

Comey also said that, while the FBI found no direct evidence that Clinton's email was hacked by a foreign party, "it is possible that hostile actors gained access to Secretary Clinton's personal email account."

Cyberattacks on Clinton's email would be so sophisticated that investigators wouldn't be likely to see traces of them, Comey said. And since Clinton frequently used her private email while traveling "in the territory of sophisticated adversaries," as Comey put it, the FBI views it as possible that her account was compromised.

Investigators did find evidence that "hostile actors gained access to the private commercial e-mail accounts of people with whom Secretary Clinton was in regular contact from her personal account," he said.

Comey had harsh words for the carelessness on display by Clinton, her staff and the State Department in general.

But, he said, "although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case."

In "similar circumstances," someone might face security or administrative sanctions, he said, but not criminal charges.

As a result, the FBI is recommending to Justice Department prosecutors that no charges be brought against Clinton.

In a statement, Hillary Clinton's campaign spokesman Brian Fallon said her team is "pleased that the career officials handling this case have determined that no further action by the Department is appropriate."

"As the Secretary has long said, it was a mistake to use her personal email and she would not do it again," Fallon said. "We are glad that this matter is now resolved."

This outcome is not unusual, as NPR's Carrie Johnson has reported: Top officials rarely face criminal prosecution for violating laws on classified information.

But Tuesday's press conference was out of the ordinary in another way.

FBI recommendations to prosecutors aren't usually released to the public, as Comey said, but this case has been subject to an extraordinary level of scrutiny.

The FBI announcement — which, Comey said, had not been coordinated with or preapproved by the Justice Department — comes less than a week after a controversial unscheduled meeting between U.S. attorney general Loretta Lynch and former President Bill Clinton. Lynch said the meeting was innocuous, and didn't include any conversations about the investigation into Hillary Clinton.

But after bipartisan furor over the encounter, Lynch announced she would be accepting the recommendations of career prosecutors and the FBI in the case.

###

CNBC: FBI's Comey Says 'No Reasonable Prosecutor' Would Bring a Case Against Clinton for emails (Everett Rosenfeld)
http://www.cnbc.com/2016/07/05/fbi-director-james-comey-has-concluded-the-investigation-into-clintons-emails.html

FBI Director James Comey said his office is not recommending prosecutors bring charges against Hillary Clinton for her handling of classified information in connection to private email servers.

"Although the Department of Justice makes final decisions on matters like this, we are expressing to Justice our view that no charges are appropriate in this case," Comey said Tuesday.

Addressing inevitable complaints about the investigation, Comey a Republican emphasized that "this investigation was done honestly, competently, and independently."

"No outside influence of any kind was brought to bear," he said. "I know there were many opinions expressed by people who were not part of the investigation including people in government but none of that mattered to us. Opinions are irrelevant, and they were all uninformed by insight into our investigation because we did our investigation the right way."

Comey began his address by explaining what investigators found during their investigation. He said that the investigation showed that 110 emails in 52 email chains were determined to include classified information at the time they were received. Within those emails, eight chains contained information that was "top secret" at the time they were sent, 36 had "secret" information, and eight more had "confidential" information, the FBI director explained.

Addressing emails which were either not provided to the FBI or were deleted before making it to investigators, Comey said there was no evidence of a cover-up.

Comey also said the FBI assessed that there was no direct evidence that Clinton's personal email domain was hacked. It is possible, however, that hostile actors gained access to her personal email account, he added.

He characterized the investigation findings as showing that Clinton and her team were "extremely careless in their handling of very sensitive, highly classified information" but he said there was no clear evidence they intended to violate the law.

Still, Comey said the FBI's recommendation is that Clinton not face criminal charges for her actions.

"Although there is evidence of potential violations regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case," he said.

Comey said decisions on whether or not to bring charges are partly based on "how similar situations have been handled in the past."

"In looking back into our investigations into the mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," Comey said. "All the

cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of information exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here."

Clinton's campaign celebrated the decision, saying in a statement from a spokesman that her team is "pleased that the career officials handling this case have determined that no further action by the Department is appropriate.

"As the Secretary has long said, it was a mistake to use her personal email and she would not do it again. We are glad that this matter is now resolved," her spokesman, Brian Fallon, added.

The FBI interviewed Democratic U.S. presidential candidate Clinton for three and a half hours on Saturday as part of the probe into her use of a private email server while serving as secretary of state, her campaign said.

The interview at FBI headquarters in Washington followed a week of intense public focus on the investigation and on Clinton's viability as a presidential candidate, with four months to go to the election. Her campaign has tried for months to downplay the controversy as a distraction.

In an interview broadcast on MSNBC, Clinton said she was happy to do the FBI interview, which her spokesman earlier described as "voluntary."

"I've been answering questions for over a year" regarding the private email server, Clinton said.

Clinton struck a positive tone about the email investigation when questioned about it by CNBC in March.

"I'm happy that everybody now has been cooperating and giving information because I think that will finally end this and show that only appropriate steps were taken," she said at the time.

Comey's Tuesday statement, however, highlighted the FBI's conclusion that many inappropriate steps were taken even if they did not warrant criminal charges in the department's view.

"I know that the Republicans were engaging in a lot of wishful thinking, but this is not anything people should be worried about," Clinton added in her interview with CNBC.

Clinton is expected to be formally nominated as the Democratic candidate for the Nov. 8 presidential election at the party's convention in less than four weeks. The former secretary of state is currently the front-runner for the White House with polls showing her leading presumptive Republican nominee Donald Trump.

In a tweet on Saturday, Trump said it was "impossible for the FBI not to recommend criminal charges against Hillary Clinton. What she did was wrong!"

And on Tuesday, Trump expressed his displeasure with the FBI's recommendation.

###

MSNBC: FBI Director: Clinton Shouldn't Face Charges in Email Flap (Steve Benen)
http://www.msnbc.com/rachel-maddow-show/fbi-director-clinton-shouldnt-face-charges-email-flap

FBI Director James Comey delivered a public statement this morning on the controversy surrounding Hillary Clinton's email server, and in the process, he disappointed every Clinton critic who's been eagerly anticipating an indictment. From the transcript:

"Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case. Prosecutors necessarily weigh a number of factors before bringing charges. There are obvious considerations, like the strength of the evidence, especially regarding intent. Responsible decisions also consider the context of a person's actions, and how similar situations have been handled in the past.

"In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here."

This is not the official end of the matter — in theory, Justice Department prosecutors could decide to ignore the FBI's findings — but there's no reason to believe that will happen. "[A]lthough the Department of Justice makes final decisions on matters like this," Comey added, "we are expressing to Justice our view that no charges are appropriate in this case."

To be sure, the FBI director's statement was not altogether flattering. Comey spoke at some length, criticizing Clinton's "extremely careless" email server protocols. He went on to say, however, that Clinton never intended to circumvent any laws and the FBI "found no evidence that any of the additional work-related emails were intentionally deleted in an effort to conceal them."

So what are we left with? Exactly what we've been expecting all along: a story in which the former Secretary of State should have adopted more responsible email protocols, but the "scandal" falls short of criminal wrongdoing.

If this pattern seems familiar, there's a good reason: a variety of "controversies" surrounding Hillary Clinton tend to follow the same trajectory. Dubious and largely underwhelming allegations are taken very seriously by Republicans and much of the media, which leads to a lengthy investigation, which amounts to very little.

We saw this play out last week with the Benghazi probe — the GOP's special investigatory committee desperately searched for Clinton-related wrongdoing but found nothing — and we're seeing it again now.

Soon after Comey's statement, the presumptive Republican presidential nominee joined the fray to complain. "The system is rigged," Donald Trump said via Twitter. "General Petraeus got in trouble for far less. Very very unfair!"

First, former Gen. David Petraeus got "in trouble" because he deliberately shared classified information with his mistress. To see this as comparable to Clinton's actions is obviously foolish.

Second, there's no real upside to going after Comey. Let's not forget that President Obama chose a Republican to serve as FBI director Comey was a top official in the Bush/Cheney Justice Department and there's literally nothing to suggest the bureau's investigation was "rigged" for partisan or political reasons.

This morning's announcement almost certainly won't end the partisan food fight. Indeed, the Benghazi conspiracy theories were resolved years ago, but plenty of Republicans still believe them. Forevermore, many on the right will insist that Clinton got away with some serious crime.

But today's outcome is the same outcome most of us have been expecting all along.

Postscript: This is a bit of a tangent, but there's a case to be made that Comey's statement wasn't altogether fair to Clinton. As a rule, when federal law enforcement announces the end of an investigation, and a recommendation not to file charges, the director of the FBI doesn't take the extra step of publicly chastising the accused.

###

Daily News: FBI director James Comey says 'no Charges are Appropriate' for Hillary Clinton Email Scandal, but She was 'Extremely Careless' (Jason Silverstein)
http://www.nydailynews.com/news/politics/no-charges-clinton-emails-fbi-director-article-1.2699441

Hillary Clinton's handling of classified emails as secretary of state was "extremely careless" but it was not criminal, FBI Director James Comey said Tuesday.

Comey castigated Clinton for how she handled emails on a private server, but still argued "no charges are appropriate" after the FBI's probe into the scandal.

He said "no reasonable prosecutor" could bring a criminal case against Clinton, and recommended the Department of Justice not attempt doing so.

But Comey revealed damning findings over Clinton's email habits many of which, according to the investigation, violate her own statements about the scandal.

John McCain: Trump, Clinton don't know how to fight terrorism

He said Clinton and her staff sent at least 110 emails containing information that was classified at the time. Dozens of other emails included information that was secret or confidential at the time.

Clinton has repeatedly said she never sent classified information through her private server only information that was "retroactively" classified during the investigation.

Comey said Clinton was "lacking in the kind of care" the information deserved and could have exposed it to "hostile actors" while traveling outside the United States.

Comey held his abrupt press conference the same day Clinton, the presumptive Democratic presidential nominee, was scheduled to campaign with President Obama for the first time.

Hillary Clinton allies not worried that she'll be indicted
"We are pleased that the career officials handling this case have determined that no further action by the Department is appropriate," her campaign said in a statement before the campaign event.

The statement acknowledged Clinton made a "mistake," but said she is "glad that this matter is now resolved."

Donald Trump only waited minutes to chime in on Comey's comments calling the whole probe a sham.

The FBI director said no charges are appropriate for Hillary Clinton.

"The system is rigged. General Petraeus got in trouble for far less," he tweeted.

"Very very unfair! As usual, bad judgment."

In another tweet, he used the hashtag "#RiggedSystem." Other GOP rivals soon followed suit with attacks on the probe.

The announcement comes one week after a two-year, 800-page investigation into the 2012 Benghazi terror attacks failed to find any wrongdoing on Clinton's response to the violence.

It also comes just days after news leaked that former President Bill Clinton talked one-on-one with Attorney General Loretta Lynch on a Phoenix airport tarmac, sparking suspicions of Clinton's husbands arranging a backdoor deal.

On Saturday, the FBI interviewed Clinton for three-and-a-half hours before concluding its investigation.

###

The Washington Times: FBI Recommends No Charges Against Hillary Clinton (Stephen Dinan)
http://www.washingtontimes.com/news/2016/jul/5/fbi-recommends-no-charges-against-hillary-clinton/

Former Secretary of State Hillary Clinton was “extremely careless” in her use of a secret email server to conduct government business, and it’s possible enemy hackers breached her system but the FBI is not recommending she face charges, saying it can’t find evidence her behavior was intentionally criminal.

His decision likely removes the legal jeopardy from Mrs. Clinton, though his detailed recitation of her behavior will be a black mark as she pursues the White House.

He said more than 100 email chains Mrs. Clinton was part of contained information that was classified at the time she sent or received it, and thousands of other messages have since been “up-classified.” And he said Mrs. Clinton’s lawyers didn’t even read every message when deciding which ones they deemed work-related puncturing Mrs. Clinton’s own assurances that she’s belatedly completed the public record.

SEE ALSO: Court rules government can't use private emails to hide from transparency

But Mr. Comey said though she was reckless, he and his investigators found no evidence Mrs. Clinton intentionally tried to mishandle classified information, and he said they could find no other situations where a successful case had been made against someone in a similar situation.
"No charges are appropriate in this case," he said.

He said that shouldn't be seen as a green light to others indeed, he said those who behave like Mrs. Clinton often face administrative sanctions from their employers, or lose security privileges. But with Mrs. Clinton out of office now, neither of those alternatives is available in her case.

Despite his conclusions about charges, Mr. Comey was devastating in his assessment of Mrs. Clinton's behavior, saying she should have known better.

He said they found eight email chains that contained information that was "top secret" at the time she handled it, another 36 chains that contained "secret" information, and 80 chains that had "confidential" information at the time she sent or received it.

Some 2,000 additional emails had information that authorities have since deemed classified, but wasn't at the time she sent it.

"None of these emails should have been on any kind of unclassified system," he said.

He said his investigators also found work-related messages Mrs. Clinton and her lawyers deleted rather than turn over to the State Department. The lawyers wiped Mrs. Clinton's server clean thoroughly enough to prevent his investigators from getting a look at everything, so it's impossible to know for sure exactly how many emails she hid from public view.

Mr. Comey also said that they found no evidence of hackers successfully breaching Mrs. Clinton's systems, but said that doesn't clear her, because the enemies who would be doing the hacking are sophisticated enough to leave no traces discernible at this point.

"It is possible that hostile actors gained access to Secretary Clinton's personal email account," he said.

The FBI's decision likely clears the way for Attorney General Loretta Lynch, who has final say on charges, to close out the case, turning the issue over to voters.

"The system is rigged," Donald Trump, Mrs. Clinton's likely Republican opponent in November, said on Twitter after Mr. Comey's statement, adding that former CIA Director David Petraeus "got in trouble for far less."

House Speaker Paul D. Ryan said Mr. Comey's decision "defies explanation."

"Declining to prosecute Secretary Clinton for recklessly mishandling and transmitting national security information will set a terrible precedent," he said.

He said Mr. Comey will have to provide more details about how he reached his conclusion not to recommend charges.

But some Republicans seemed resigned to defeat in November after the news.

"Bottom line: Hillary is reckless, careless and has poor judgement, but she's not a criminal. Which means she's likely to be our next POTUS," Ari Fleischer, a former spokesman for Republican President George W. Bush, said on Twitter.

FBI investigators interviewed Mrs. Clinton over the weekend, putting the final touches on their investigation.

Tuesday's findings came just a week after the House committee that publicly revealed the existence of Mrs. Clinton's email server released its draft report, questioning her role in the handling of the 2012 Benghazi terrorist attack but finding no smoking guns.

###

The Washington Times: FBI on Hillary's Emails: Equal Justice Under the Law No More (Judson Phillips) http://www.washingtontimes.com/news/2016/jul/5/fbi-hillarys-emails-equal-justice-under-law-no-mor/

In an absolutely stunning move, FBI Director James Comey announced on Tuesday that there would be no criminal referral to the Department of Justice for Hillary Clinton. Comey's announcement is the latest escape for the Clintons, who have dodged more indictments than your average mafia boss.

Just based on the information that is available in the public domain, a first year law student could have secured convictions against Hillary Clinton and quite possibly Bill Clinton too. The evidence that is in the public domain is indisputable. Hillary Clinton directed her staff to prepare her "home made" server and route all of her email, including classified emails, through her system. The standard for prosecuting cases involving classified information is "gross negligence." That standard is far surpassed by the Clinton server fiasco.

The idea that Hillary Clinton could run her classified email through a non-secure system is insane. People not named Hillary Clinton have been prosecuted for far less. The reaction in the intelligence community is stunned disbelief. One person in that community, who spoke on the condition of anonymity said, "So I could bring my cell phone to work and run it all thru my [cell phone provider name] home account. Completely different from my understanding of the law during the 15 years I worked in positions in which I handled classified info."

The real beginning of the scandal goes back to 2009. Hillary Clinton set up her private server for one single reason. She wanted to prevent Freedom of Information Act (FOIA) requests that would demand access to her emails. When Clinton wrote an email as Secretary of State, those were not her emails. Those emails belonged to the government.

The 18 USC 641 covers exactly what Hillary Clinton did. It states: "Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency

thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

“Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been

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Mic: FBI Director James Comey: "No Charges Are Appropriate" in Hillary Clinton Email Scandal (Emily Cahn)
https://mic.com/articles/147783/fbi-director-james-comey-no-charges-are-appropriate-in-hillary-clinton-email-scandal#.corLwLhmf

The FBI will not recommend that Hillary Clinton face criminal charges stemming from her use of a private email server during her time as secretary of state, FBI Director James Comey announced Tu esday morning.

In a dramatic statement, Comey called Clinton's use of private email servers and her handling of classified information "extremely careless," but concluded that "no reasonable prosecutor" would bring charges against her or her aides. The final decision on whether to bring charges lies with the Department of Justice.

The FBI's recommendation not to charge Clinton wraps up a year-long investigation into Clinton and her top aides that's been an unwelcome distraction for the campaign.

The slow drip of news regarding her email use made a significant dent in her popularity, and has led a majority of Americans to say the former secretary of state is not honest or trustworthy, according to multiple polls.

And while takes away any uncertainty for party officials before they meet in a little less than three weeks to officially nominate Clinton as their standard bearer at the Democratic National Convention in Philadelphia, it also provides Republicans with fodder to use on the trail.

In what Comey described as a "painstaking undertaking" to review the 30,000 emails Clinton's legal team provided to the FBI, he said investigators found "110 emails in 52 email chains have been determined by the owning agency have been determined to contain classified information."

Of those chains, eight contained top secret information, the highest security classification. Thirty-six chains contained secret information, and another eight contained confidential information at the time they were sent.

An additional approximately 2,000 emails were "up-classified" or determined to be confidential after they were sent, Comey said.

Comey also described the security culture of the Clinton State Department as "generally lacking," and said Clinton herself was "extremely careless," saying she used her personal email on an unsecure server even on hostile foreign territories.

Not over yet: While Comey took pains to describe the investigation as thorough and impartial, Republicans will almost certainly cast doubt into the veracity and impartiality of the investigation in the wake of a chance meeting between former President Bill Clinton and Attorney General Loretta Lynch on an Arizona tarmac last week.

Lynch admitted that the encounter "cast a shadow" over how the investigation was being handled, and said she would accept any recommendation the FBI and career prosecutors handed her way.

Late Tuesday morning, presumptive Republican nominee Donald Trump weighed in on Comey's statement, using the opportunity to hammer home his message that "the system is rigged":

Donald J. Trump ✔ @realDonaldTrump
The system is rigged. General Petraeus got in trouble for far less. Very very unfair! As usual, bad judgment.

FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem

Correction: July 5, 2016
Due to an editing error, a previous version of this story misstated when the Democratic National Convention is. It is in a little less than three weeks.

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Elle Magazine: Hillary Clinton Will Not Face Criminal Charges in FBI Investigation (Mattie Khan)
http://www.elle.com/culture/career-politics/news/a37580/hillary-clinton-fbi-investigation-no-charges/

Ending months of speculation, the FBI announced on Tuesday morning that it would not recommend criminal charges against Hillary Clinton for her use of a private email server while she was secretary of state.

According to FBI Director James B. Comey, "no reasonable prosecutor" would bring a case against the presidential candidate based on what the department discovered during the investigation. Attorney General Loretta Lynch announced on Friday that she would follow whatever recommendation the FBI put forward in the case, so the Clinton team can breathe a little easier: Clinton will not face an indictment.

Still, the announcement is unlikely to stop Donald Trump from continuing to hold the saga against her in the election. He has taken to nicknaming her "Crooked Hillary" and wasted no time responding to the news on Twitter:

FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem

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Voice of America: FBI Director: No Charges Appropriate in Clinton Email Case (Sharyl Atkisson)
http://www.voanews.com/content/article/3404736.html

The U.S. Federal Bureau of Investigation says it is recommending no criminal charges be brought against Hillary Clinton for her use of a private email server while she was secretary of state, lifting a major political and legal hurdle for the presumptive Democratic presidential candidate.

FBI Director James Comey sharply condemned Clinton, who served as the country's top diplomat from 2009 to 2013, and her colleagues at the State Department for what he said Tuesday was their "extremely careless" handling of classified material they sent to each other via a private email server she established at her home in New York.

But Comey said FBI investigators in an extensive probe of thousands of Clinton's emails could not find evidence that she "clearly, willfully" sought to violate U.S. laws and that "no reasonable prosecutor would bring such a case" against her based on the evidence uncovered in the weeks-long investigation.

The FBI's probe of her use of the private email server, instead of a government server with tight security controls, culminated last Saturday with investigators and government prosecutors questioning her for 3 1/2 hours at FBI headquarters in Washington.

Comey's statement came a week after a political uproar over an encounter Clinton's husband, former President Bill Clinton, had with the country's top law enforcement official, Attorney General Loretta Lynch, on an airport tarmac in Phoenix, Arizona. Both Bill Clinton and Lynch said they chatted for half an hour, although not about the email case, but subsequently regretted doing so while Lynch was overseeing the email investigation, with purview over the FBI.

Clinton campaign pleased

Following Comey's announcement, Hillary Clinton's spokesman said the campaign is pleased the FBI will recommend no charges. Brian Fallon says the campaign is "pleased that the career officials overseeing the investigation" have determined that no further action by the department is appropriate. He added the campaign is "glad that this matter is now resolved."

Shortly after learning of Comey's conclusion, Republican presidential candidate Donald Trump denounced it on Twitter.

He said former CIA director David Petraeus, who leaked classified information to a woman who was his lover and biographer, "got in trouble for far less. Very very unfair. As usual, bad judgment."

Republicans want criminal charges

Many Republicans have called for criminal charges against Clinton, but Comey said, "No charges are appropriate in this case." He said he could assure the American public that the investigation was carried out "honestly, competently and independently ... in an entirely apolitical way."

Clinton, when she first acknowledged use of the private email server more than a year ago, said she did so for "convenience," so she would not have to carry two phones, one to handle government business and one to use for personal matters, such as planning for her daughter Chelsea's 2010 wedding. But she quickly acknowledged that mixing official State Department business with personal emails was "a mistake."

Well after she left office in early 2013, she deleted about 30,000 emails she and her lawyers deemed to be personal and turned another 30,000 official government-related emails over to the State Department, as she was required to do in any event because of government record-keeping regulations. But Comey said many more emails were discovered as well.

Clinton said she never sent or received emails that were marked as classified documents. But Comey said "any reasonable person in her position should've known that an unclassified system was no place" for conversations about certain documents because of the subjects being discussed.

Comey said FBI investigators concluded that the "security culture at the State Department was generally lacking in the kind of care for classified information found elsewhere in the federal government."

Classified, top secret emails

In all, the FBI chief said the agency's investigators found 110 emails in 52 email chains contained classified information at the time they were sent, with eight of the chain having top secret information; 36 of them carrying secret information, the second level of security, and eight confidential information, the lowest security classification. In addition, he said that as investigators rechecked her emails with the government agencies that sent them, another 2,000 emails were "upclassified" to give them a confidential rating.

He said it was likely that as she deleted her personal emails, some additional work emails were also deleted and thus could no longer be examined.

Comey said investigators do not believe that Clinton's emails were hacked by hostile, foreign interests, but that "we would be unlikely to see such evidence."

He said, however, that "hostile actors" gained access to private commercial interests that Clinton corresponded with and that her extensive use of personal email outside the United States and in the territories of "extensive adversaries" makes it possible they gained access to her personal accounts.

'Right statement'

One Democratic strategist, Robert Weiner, said, "The Republicans have had a myth for a long time and it was more wishful thinking than reality that Secretary Clinton did something wrong. The reality is that she did not send or receive anything marked classified at the time and she had no malicious intent to hide anything from the American people. It was sent as a matter of convenience. This might have been a wrong decision for judgment, but it was absolutely not an illegal decision. The FBI made precisely the right statement."

National polling shows Clinton with about a five percentage point edge over Trump four months before the November 8 election to pick the successor to President Barack Obama, who leaves office in January.

Key dates in email case

Jan. 13, 2009: Clintonemail.com domain is established.

Jan. 21, 2009: Senate confirms Clinton as secretary of state.

Feb. 17, 2009: National Security Agency and tech experts warn Clinton chief of staff Cheryl Mills against boss using private BlackBerry and server, citing hacking risks.

March 18, 2009: Date Clinton later says marks start of her using server.

Sept. 11, 2012: Extremists attack U.S. compound in Benghazi, Libya, killing four Americans including U.S. ambassador Chris Stevens.

October 2012: Accountability Review Board assesses State Department's Benghazi response, at Clinton's behest.

March 2, 2015: The New York Times reports on Clinton's use of private email server as secretary.

March 10, 2015: Clinton defends using server for "convenience."

July 24, 2015: State Department and national security officials ask Justice Department to review whether Clinton's private email use compromised classified information.

Aug. 11, 2015: Clinton's campaign says she turned over records to Justice Department.

May 25, 2016: State Department's inspector general issues report criticizing Clinton's private email use, citing 2005 requirement to use government computers.

July 1, 2016: Attorney General Loretta Lynch trying to tamp down conflict-of-interest accusations after visit with former president Bill Clinton at airport in Phoenix, Arizona, says she'll abide by FBI recommendation on email case.

July 2, 2016: FBI interviews Clinton for 3½ hours at FBI headquarters in Washington.

July 5, 2016: FBI Director James Comey announces decision not to bring charges.

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The Hill: FBI Recommends No Charges Against Clinton (Julian Hattem)
http://thehill.com/policy/national-security/286472-fbi-no-charges-against-clinton

The FBI will not recommend criminal charges against Hillary Clinton for her private email setup, Director James Comey said Tuesday in an announcement that immediately roiled the race for the White House.

Despite evidence that the presumptive Democratic presidential nominee and her senior aides were "extremely careless" with government secrets during her time as secretary of State, Comey said investigators had concluded there was not sufficient evidence to recommend an indictment against Clinton.

“Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case,” Comey said in dramatic comments from the FBI's headquarters in downtown Washington.
“We are expressing to Justice our view that no charges are appropriate in this case.”

Comey dinged the former Secretary of State for careless handling of the information, noting that a person in her position “should have known that an unclassified system was no place for that conversation.”

“Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information,” Comey said. Read Comey's statement here.

The decision all but clears Clinton of the federal investigation that has loomed over her presidential campaign for nearly a year, since Attorney General Loretta Lynch had pledged to accept the recommendation of the FBI and career prosecutors.

Comey’s announcement comes just three days after the former secretary of State sat for a 3.5-hour interview with the FBI on Saturday, and just a few hours before President Obama is set to campaign with Clinton in Charlotte, N.C. It also comes about a week after Lynch met on an Arizona tarmac with Clinton’s husband, former President Bill Clinton.

The juxtaposition is likely to inflame White House critics, who have insisted that political pressures would prevent any chance of an indictment for Clinton, regardless of the damage to national security.

Obama has previously weighed in to dismiss concerns about the investigation to the ire of Republicans and federal investigators.

GOP presumptive presidential nominee Donald Trump quickly fired a tweet at Comey, calling the decision unfair and saying it showed the system was rigged.

Speaker Paul Ryan (R-Wis.) also ripped the decision, saying that it "defies explanation."

"No one should be above the law. But based upon the director's own statement, it appears damage is being done to the rule of law," Ryan said in a statement.

"Declining to prosecute Secretary Clinton for recklessly mishandling and transmitting national security information will set a terrible precedent. The findings of this investigation also make clear that Secretary Clinton misled the American people when she was confronted with her criminal actions. While we need more information about how the Bureau came to this recommendation, the American people will reject this troubling pattern of dishonesty and poor judgment," he said.

The FBI director insisted that politics did not play a role in his decision.

“No outside influence of any kind was brought to bear,” he said.

The Justice Department and other branches of the Obama administration were not informed of his decision before Tuesday, he told reporters.

Investigators had found evidence that Clinton and her aides handled classified information poorly, Comey said on Tuesday.

But those findings were not sufficient to support an indictment. Similar cases in the past, he said, involved either "clearly intentional and willful" mishandling of information, larger amounts of mishandling or other evidence of willful thwarting of the law.

"We do not see those things here," Comey said.

Still, the findings were far from a blanket dismissal of concern about Clinton's behavior.

"There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified was no place" for sensitive conversations, he said.

Someone else in a similar situation could face "security or administrative sanctions," he added.

"But that is not what we are deciding now."

Last week, Lynch said that she would defer judgment to the FBI and career Justice Department prosecutors, following a private and extremely controversial 30-minute meeting with the former president. The decision left Comey as the public face of the investigation, in what some viewed as an opportunity for the hard-nosed maverick to buck political pressures and act against Clinton.

"It is impossible for the FBI not to recommend criminal charges against Hillary Clinton," her presumptive general election opponent, Trump said on Twitter this weekend. "What she did was wrong! What Bill did was stupid!"

The FBI began its probe connected to Clinton last summer, when inspectors general at the State Department and federal intelligence agencies referred Clinton's "homebrew" email arrangement to the Justice Department for review. The setup might have jeopardized sensitive national secrets, investigators warned.

Roughly one-in-15 of the work-related messages that Clinton sent or received on the private server have been classified at some level, according to the trove of 30,000 emails that she handed over to the State Department. Twenty-two emails were classified as top secret the highest level of secrecy.

Comey said on Tuesday that 113 emails contained information that was classified at the time it was sent, including eight messages at the top secret level. The rest were classified after the fact.

Eight of those chains contained information considered top secret at the time, 36 contained information considered secret, and eight contained information considered confidential the lowest designation.

That number includes three emails from among the roughly 30,000 that Clinton deleted from her private server, claiming they were personal. The FBI uncovered the deleted emails through "traces" left on her machines as well as through the email accounts of the people she was communicating with.

Investigators found no evidence that those emails were "intentionally deleted in an effort to conceal them," Comey claimed.

Rather, she may have deleted them during the course of her work, or else they may not have triggered a response when lawyers searches through her inbox to separate officials messages from personal ones.

It is "likely" that additional work-related emails may simply be gone for good, the FBI director said.

In May, the State Department's inspector general released a scathing report claiming that Clinton had never asked to use the unconventional setup while in office, and that the request would have been denied if she had.

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US Weekly: Hillary Clinton Email Investigation: FBI Recommends No Charges but Says Staff Was 'Careless' (Meghan French)
http://www.usmagazine.com/celebrity-news/news/hillary-clinton-email-investigation-fbi-recommends-no-charges-w212035

FBI Director James Comey announced that the agency recommends no charges be brought against Hillary Clinton after a yearlong investigation into a private email server that the presidential hopeful used while she was secretary of state.

"Although there is evidence of potential violations regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case," Comey said during a press conference on Tuesday, July 5.

Now that the FBI probe is complete, the Department of Justice will make the final decision about any charges against Clinton. However, Attorney General Loretta E. Lynch said on Friday, July 1, that she will follow the recommendation from career prosecutors and FBI agents.

Comey explained during the press conference that investigators read through all 30,000 emails that Clinton turned over to the State Department in 2014 and determined that 110 emails in 52 email chains contained classified information. Some chains even contained top-secret information, the highest level of classified information.

By searching for fragments or combing through the archives of other high-ranking government officials with whom any secretary of state would normally correspond, the FBI also discovered several thousands of work-related emails that were not among the 30,000 emails handed over by Clinton.

"There is evidence to support a conclusion that any reasonable person in Clinton's position should have known that the system was no place for that type of correspondence," Comey continued. He called her

handling of classified information “extremely careless,” but said there was no clear evidence that Clinton or her team intended to violate the law.

While the agency did not find any direct evidence that her email was hacked, he said it was possible that her system was breached by hostile actors. Clinton extensively used her email outside the United States in the territories of adversaries, potentially allowing them access to the confidential information.

Comey said that the FBI came to the conclusion to recommend no charges by looking at the strength of the evidence, context, intent and similar past situations, and by interviewing dozens of people, including Clinton herself. He also assured that the investigation was done “honestly, competently and independently” with no political agenda.

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Breitbart: FBI Director James Comey Made 5 Damning Claims About Hillary’s Emails…But Decided Not to Indict! (Patrick Howley)
http://www.breitbart.com/2016-presidential-race/2016/07/05/fbi-director-james-comey-made-5-damning-claims-about-hillarys-emails-but-decided-not-to-indict/

Federal Bureau of Investigation (FBI) director James Comey made five extremely damning claims in his Tuesday press conference about Hillary Clinton’s private email server.

Though Comey found “evidence of potential violation” of classified information laws on Clinton’s part, and though Comey noted that people who did similar things would be punished, Comey nevertheless told the American people that the FBI does not recommend an indictment against Clinton.

Comey confirmed numerous details of the email scandal including the fact that Clinton had information on her private server that was classified when sent, which Breitbart News first reported in August 2015, nearly a full year ago. But Comey said that no reasonable prosecutor would take on the case.

Comey’s harsh criticisms of Clinton’s conduct, paired with his inexplicable decision not to call for an indictment, suggest that Comey might have torn sympathies regarding the case. But the FBI director said that the investigation was apolitical, despite Attorney General Loretta Lynch’s recent secret meeting with Bill Clinton.

Here are the worst things Comey said about Clinton:

Evidence of violations

“In this case, given the importance of the matter, I think unusual transparency is in order. Although there is evidence of potential violation of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case,” Comey said. “Prosecutors necessarily weigh a number of factors before deciding whether to bring charges. There are obvious considerations, like the strength of the evidence, especially regarding intent, responsible decisions, and to also consider the context of a person’s actions and how similar situations have been handled in the past.”

"In looking back at our investigations, into the mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts."

A magnitude of classified information on her server, and she did not hand over some emails

Comey confirmed the existence of vast amounts of information on her private server that was classified when sent. Comey also confirmed that Clinton did not hand over some of her emails, even though she signed a sworn affidavit that she had done so. Whether or not Clinton will be charged with perjury is still up to the Department of Justice. Even the Washington Post left the door open for a possible "making false statements" charge, though it seems unlikely considering the political implications here.

"From the group of 30,000 e-mails returned to the State Department in 2014, 110 e-mails in 52 e-mail chains have been determined by the owning agency to contain classified information at the time they were sent or received. Eight of those chains contained information that was top secret at the time they were sent; 36 of those chains contained secret information at the time, and eight contained confidential information at the time. That's the lowest level of classification," Comey said.

"Separate from those, about 2,000 additional e-mails were up-classified to make them confidential. Those e-mails had not been classified at the time that they were sent or received. The FBI also discovered several thousand work-related e-mails that were not among the group of 30,000 e-mails returned by Secretary Clinton to State in 2014…"

"…With respect to the thousands of e-mails we found that were not among those produced to the State Department, agencies have concluded that three of those were classified at the time they were sent or received; one at the secret level and two at the confidential level. There were no additional top secret e-mails found. And finally, none of those we found have since been up-classified."
Hackers

Intelligence sources kept threatening that the Russian government was prepared to release intercepted Clinton emails, which would prove that Clinton's email account was hacked and that information was "lost, stolen, abstracted, or destroyed" through "gross negligence." But the Russians did not release that information in time, possibly so as not to open themselves up to international legal and foreign policy pressure when they knew the Obama administration wasn't going to indict Clinton, anyway. The hacker Guccifer also claimed that he breached Clinton's private server, but he was convicted on hacking charges during this election cycle.

"With respect to potential computer intrusion by hostile actors, we did not find direct evidence that Secretary Clinton's personal e-mail domain in its various configuration since 2009 was hacked successfully. But given the nature of the system and of the actors potentially involved, we assess we would be unlikely to see such direct evidence," Comey said.

"We do assess that hostile actors gained access to the private commercial e-mail accounts of people with whom Secretary Clinton was in regular contact from her personal account. We also assess that Secretary Clinton's use of a personal domain was both known by a large number of people and readily apparent," Comey said.

"She also used her personal e-mail extensively while outside of the United States, including sending and receiving work-related e-mails in the territory of sophisticated adversaries. Given that combination of

factors, we assess it is possible that hostile actors gained access to Secretary Clinton's personal e-mail account."

Somebody else would get punished

Would Clinton get off if she was somebody else? Probably not. It's weird that Comey admitted that.

"To be clear, this is not to suggest that in similar circumstances, a person who gauged this activity would gauge no consequences. To the contrary, those individuals are often subject to security or administrative sanctions but that is not what we are deciding now," Comey said.

"As a result, although the Department of Justice makes final decisions on matters like this, we are expressing to the justices our view that no further charges are appropriate in this case."

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Law Newz: FBI Director Comey Says No Reasonable Prosecutor Would Bring Charges Against Hillary Clinton (Chris White)
http://lawnewz.com/high-profile/breaking-fbi-director-james-comey-doesnt-recommends-charges-against-hillary-clinton-no-reasonable-prosecutor-would-bring-charges/

FBI Director James Comey on Tuesday announced the Bureau will not recommend criminal charges against Hillary Clinton over her use of a private email server while serving as Secretary of State. The announcement brings an end to over a year of speculation that began in March 2015 when news broke that she exclusively used a private email account during her tenure at Foggy Bottom. Despite this, Comey did outline what he dubbed as Clinton's extremely careless conduct concerning her private use of the email server. He said that nearly 100 emails were dubbed classified at the time they were sent. He also discovered that there were hundreds of emails that were not turned over by Clinton from her personal email server to the State Department. The FBI has conducted hundreds of hours of interviews and spent months sorting through different servers.

"No reasonable prosecutor would bring a case," Comey concluded. "This investigation was done honestly and competently."

"We did not find clear evidence that Clinton intended to violate the law," Comey said. "There is evidence that they were extremely careless." Comey did have sincere concerns with the way that Clinton and her staff handled the emails. He said FBI agents discovered 7 emails chains that contained top secret information at the time they were sent and received. In fact, he said that she used her private email server while she traveled in risky regions.

The office of inspector general at both the State Department and intelligence community referred the matter to the FBI during the summer of 2015. The IG reported finding classified material in emails Clinton turned over to the State Department. The FBI then began its investigation into the possible mishandling of classified materials.

The FBI Director essentially became the face of the investigation after news broke last week that Attorney General Loretta Lynch and former President Bill Clinton met privately for 30 minutes at a Phoenix airport. The firestorm surrounding that meeting forced Attorney General Lynch to address the

issue during a public appearance in Aspen last Friday. The Attorney General announced that she planned to accept the FBI's recommendations but refused to recuse herself from the case to ensure that she would continue to receive briefings on the matter. Attorney General Lynch's spokeswoman further confused matters after the announcement, telling The New York Times the Attorney General still had "ultimate responsibility for any decision [in the case]."

To say this is good news for Clinton would be an understatement. Especially in light of the recent inspector general's report that concluded she violated State Department policies and the Federal Records Act by using her private e-mail account. That report also indicated that Clinton seemingly ignored several warnings about the dangers of using unsecured mobile devices to send e-mails and contradicted many of her past statements about the appropriateness of using a private e-mail system.

The announcement on Tuesday almost certainly paves the wave for Clinton to finally seal the Democratic nomination. While she managed to avoid legal jeopardy, events over the past week have likely given Clinton's political opponents the ammunition needed to continue making an issue of the private server (and the investigation) through the general election campaign.

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Trunews: Hillary Clinton Gets FBI Pass on Email Scandal (Emily Flitter)
http://www.trunews.com/hillary-clinton-fbi-pass-email-scandal/

FBI Director James Comey has announced that his recommendation to the Justice Department is that no charges be filed against Hillary Clinton in her email scandal.

FBI Director James Comey said on Tuesday the agency is completing its yearlong probe of Hillary Clinton's use of a private email server while secretary of state, and will refer its findings to the Justice Department for a decision on whether it merits prosecution.

Clinton, the presumptive Democratic presidential nominee, gave a voluntary 3-1/2-hour interview with the Federal Bureau of Investigation on Saturday in Washington.

Top lawmakers from both major U.S. political parties said on Sunday they trusted the Justice Department to appropriately handle its probe of presidential candidate Hillary Clinton's private email server, after a heavily criticized meeting between Clinton's husband and the U.S. attorney general.

Republican Senators Lindsey Graham and John McCain said on CBS show "Face the Nation" that they would respect Attorney General Loretta Lynch's decision on whether to prosecute Clinton, the likely Democratic presidential nominee.

Congressman Adam Schiff, the top Democrat on the House Intelligence Committee, also said he respected the process, though he acknowledged Lynch's private meeting last week at an airport with former President Bill Clinton was unfortunate.

"I think both of them wish their airplanes had never come anywhere near each other," Schiff said on "Face the Nation," adding that he still had confidence in the DOJ and the Federal Bureau of Investigation to do a thorough investigation of Clinton's email use.

"If they say they are going to conduct this investigation by the book, I believe that's what's going to happen," said Schiff, who supports Clinton for the party's nomination.

Lynch said on Friday that she would accept whatever recommendations the career prosecutors working on the case made about whether to prosecute Clinton.

The lawmakers' endorsement for the process follows Clinton's meeting Saturday with investigators at the FBI's Washington headquarters, where she answered questions for three and a half hours as part of the probe into use of her private email server.

The FBI is investigating Clinton's email use and whether laws were broken as a result of a personal email server kept in her Chappaqua, New York, home while she was secretary of state from 2009 to 2013.

Lawmakers and political strategists speculated on Sunday that the FBI's interview of Clinton signaled its investigation could be nearing its end. But the FBI offered no information about the status of the probe or who its targets may be. Clinton has long insisted she is not a target.

Clinton herself said in comments to MSNBC on Saturday that she "was pleased to have the opportunity to assist the department in bringing its review to a conclusion."

Her rival, presumptive Republican nominee Donald Trump, said it was "impossible" for the FBI not to recommend criminal charges against her. The two have already begun an acrimonious battle ahead of the presidential election on Nov. 8.

Democrats are hoping the issue will be resolved before their four-day convention in Philadelphia that begins July 25, which is expected to culminate with Clinton's nomination for the presidential race.

It is unclear what Democrats would do if Clinton were to be indicted and if any contingency plan exists.

Not all lawmakers said they were confident the Justice Department could maintain impartiality. Tom Cotton, a Republican senator, said on NBC's "Meet the Press" on Sunday he thought Lynch's meeting with Bill Clinton "raises questions about political interference in this.

O'Brien, Alicia C (OLA)

From: O'Brien, Alicia C (OLA)
Sent: Tuesday, July 05, 2016 5:30 PM
To: Herwig, Paige (OAG)
Subject: zip file
Attachments: Prep Papers Final.zip

All finalized papers to date and the TOC.

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

Newman, Melanie (OPA)

From:	Newman, Melanie (OPA)
Sent:	Tuesday, July 5, 2016 10:42 PM
To:	Pokorny, Carolyn (OAG); Axelrod, Matthew (ODAG); Kadzik, Peter J (OLA)
Cc:	Lewis, Kevin S. (OPA)
Subject:	Ryan: GOP will hold hearings on Clinton probe | TheHill

http://thehill.com/blogs/blog-briefing-room/news/286608-ryan-gop-will-hold-hearings-on-clinton-probe

Ryan: GOP will hold hearings on Clinton probe

Republicans will hold hearings to learn more about the FBI's decision to not recommend criminal charges for presumptive Democratic presidential nominee Hillary Clinton, Speaker Paul Ryan (R-Wis.) said Tuesday night.

"People have been convicted for far less," Ryan said during an interview with Megyn Kelly on Fox News's "The Kelly File," saying that he thought FBI director James Comey "was going to recommend prosecution" based on the FBI director's opening remarks in a press conference Tuesday.

Ryan said the FBI's decision not to recommend charges "underscores the belief that the Clintons live above the law."

Comey said that while there was evidence Clinton and her staff was "extremely careless" with classified information, "no reasonable prosecutor" would bring a case against her in relation to her use of a private email server while secretary of state.

"We're going to have hearings," Ryan said on Fox, mentioning House Oversight and Government Reform Chairman Jason Chaffetz (R-Utah).
Chaffetz indicated hours earlier on Fox that he was considering calling Comey to Capitol Hill to testify about the FBI's probe and conclusion not to recommend charges.

Ryan said Clinton "clearly lives above the law," saying Comey has "shredded" Clinton's defense of her email practices while serving as secretary of State. Ryan described Clinton as grossly negligent.

Ryan said the FBI should release its findings regarding the Clinton email investigation.

He also called for the director of National Intelligence to "block" Clinton from accessing classified information as a presidential candidate, given her handling of government secrets over her private email server.

"I don't think she should get classified information," Ryan said.

Republicans expressed anger and disbelief over the decision not to pursue criminal charges, with GOP presidential candidate Donald Trump blasting a "rigged" system.

Ryan said Chaffetz would be calling up Comey to ask questions.

"He didn't [answer] any questions with the press," Ryan said of Comey's remarks earlier Tuesday in Washington. "There are a lot of unanswered questions here, Megyn, that need to get answers to," Ryan said.

Ryan said the FBI "should give us all of their findings" in the Clinton investigation.

Mike Allen

From: Mike Allen
Sent: Wednesday, July 06, 2016 7:59 AM
To: Werner, Sharon (OAG)
Subject: POLITICO Playbook, presented by JPMorgan Chase & Co.: TRUMP VICTORY LAP: 'Enron-style purge of her emails ... rigged ... bribe' -- DAILY NEWS: 'I'M WITH CARELESS!' – B'DAY: George W. Bush is 7-0, Eleanor Clift, John Dickerson, Ron Fournier, Jill Zuckman

07/06/2016 07:56 AM EDT

By Mike Allen (@mikeallen; mallen@politico.com) **and Daniel Lippman** (@dlippman; dlippman@politico.com)

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ABOUT LAST NIGHT ... "Trump goes off on Clinton's email, Obama's plane, Saddam Hussein," by Ben Schreckinger: "Speaking to a boisterous crowd in Raleigh, ... Trump's takeaway line on Clinton: 'She can't keep her emails safe, and she can't keep our country safe.' ... proof of a 'rigged system' ... [On Iraq:] 'Harvard for terrorists.' ... [On the GOP:] 'We need real unity and the leaders have to get supportive and if they don't get supportive, we're going to win anyway. Don't worry about it. In fact, probably I do better without the kind of support that I'm talking about because that's why I'm here in the first place' ...

"[Returning again and again to Clinton:] 'She said today that, "We may consider the attorney general to go forward." That's like a bribe, isn't it? ... I think it's a bribe ... I mean that if she wins she's going to consider extending the attorney general. I'm not knocking the attorney general. What I'm saying is, "How can you say that?"' ... 'She went to extraordinary lengths to carry out an Enron-style purge of her emails' ... Bernie Sanders lost the 'FBI primary.' ... 'Her speech was terrible. I watched it. How boring was that speech?'" http://politi.co/29hpjXu

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ARTICLE OF THE DAY: "How the FBI director systematically dismantled Hillary Clinton's email defense," by WashPost's Roz Helderman: "Comey's remarks ... directly contradicted much of what Clinton had said ... Here's how Comey's statements stack up against Clinton's explanations." http://wapo.st/29qjjO2

RNC VIDEO, "Tale of Two Conferences," interspersing Comey and Clinton http://bit.ly/29ntoeh

N.Y. POST cover shows a smiling Hillary, in figure-skating skirt, pirouetting past a hole in the ice, on a rink frozen over an FBI logo: **"HILL SKATES:** Clinton gets away with it - again" http://nyp.st/29n9faI ... **N.Y. DAILY NEWS** cover tease shows Obama and Hillary, "I'M WITH CARELESS." http://nydn.us/vp5qdB

BANNER HEADLINES: N.Y. Times, "STERN REBUKE, BUT NO CHARGES, FOR CLINTON" ...**WashPost,** "FBI: Clinton 'careless,' not criminal" ... **Drudge,** "LAWS ARE FOR LITTLE PEOPLE."

BUYER'S REMORSE ... Posted at 5 a.m.: JONATHAN MARTIN, "On Hillary Clinton's Rough Day, Republicans Rue Missed Chance": "For the Republican establishment, the months since Mr. Trump began closing in on the presidential nomination have been a season of dismay and frustration: Handed a historically weak Democratic opponent, ... the party's voters responded by nominating a candidate even more unpopular and toxic than Mrs. Clinton.

"But there have been few days during this **cycle of disbelief** in which the sense of regret has been as palpable for Republican strategists and policy makers as when Mr. Comey jolted the political world back to life after a long holiday weekend." http://nyti.ms/29mglen

--@seanspicer: "The findings of the @FBI are a clear indictment of @HillaryClinton's judgement and fitness to be President."

TICK-TOCK - "Behind James Comey's Big Gamble ," by Garrett M. Graff, author of "The Threat Matrix: The FBI at War in the Age of Global Terror," in Politico Magazine: "During the winter, as the long-running investigation unfolded, the FBI did not expect to make any sort of public statement ... But ... Comey and his leadership team had come to understand that the public credibility of the century-old law enforcement agency would hinge on its handling of the politically touchy email investigation." http://politi.co/29l5OTt

--TIME's Michael Scherer: "Clinton press secretary Nick Merrill previously told TIME that her attorneys had individually read every email ... 'Every one of the more than 60,000 emails were read. Period,' Merrill wrote in one email ... 'The lawyers doing the sorting for Secretary Clinton in 2014 did not individually read the content of all of her e-mails,' said FBI Director James Comey in a statement on Tuesday. 'Instead, they relied on header information and used search terms to try to find all work-related e-mails.'" http://ti.me/29ikf5T

GLENN THRUSH, "5 takeaways from Clinton's email reprieve : While the campaign dodges a bullet - dashing GOP hopes - the scandal will live on": "1) Americans still don't trust Clinton. ... 2) Paranoia may destroy her. ... 3) The system is rigged! ... 4) Trump vs. Comey? ... 5) Stop using email." http://politi.co/29gUwtv

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PAO (SMO)

From: PAO (SMO)
Sent: Thursday, July 07, 2016 6:43 PM
To: PAO (SMO)
Subject: DOJ DAILY NEWS WRAP

PUBLIC AFFAIRS DAILY NEWS WRAP
THURSDAY, JULY 7, 2016

*****FOR INTERNAL USE ONLY*****

Contact: Wyn Hornbuckle, Deputy Director, Office of Public Affairs, (202) 514-2007

EXPECTED NEWS STORIES:

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Media Reports on FBI Director Comey's Testimony at House Oversight Committee Hearing on Oversight of State Department (Office of Public Affairs)
Media are reporting on FBI Director James Comey's testimony on the FBI's recommendation to not prosecute former Secretary of State Hillary Clinton before the House Committee on Oversight and Government Reform at a hearing entitled "Oversight of the State Department."

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FRIDAY'S EXPECTED NEWS/EVENTS:

There are no scheduled public events.

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Herwig, Paige (OAG)

From: Herwig, Paige (OAG)
Sent: Thursday, July 07, 2016 7:05 PM
To: Cheung, Denise (OAG)
Subject: FW: transcripts
Attachments: Transcript - Aspen Ideas Forum 7.1.16.docx; 2016-07-05 Comey Statement.pdf; Transcript - Arizona (6-29-2016).docx; Quotables.docx; 2016-7-7 HOGR Hearing - Comey - Partial Transcript.docx

From: O'Brien, Alicia C (OLA)
Sent: Thursday, July 07, 2016 6:28 PM
To: Herwig, Paige (OAG); Pokorny, Carolyn (OAG)
Cc: Kadzik, Peter J (OLA)
Subject: FW: transcripts

Quick turnaround summary of key issues from today's hearing. Partial transcript only still (will send complete as soon as it's available).

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

From: O'Brien, Alicia C (OLA)
Sent: Wednesday, July 06, 2016 4:06 PM
To: Herwig, Paige (OAG)
Cc: Kadzik, Peter J (OLA)
Subject: transcripts

Will send tomorrow's hearing transcript when it becomes available. In addition, OLA will put together key excerpts from all of these sources.

Alicia C. O'Brien
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Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System

Washington, D.C.
July 05, 2016

FBI National Press Office
(202) 324-3691

Remarks prepared for delivery at press briefing.

Good morning. I'm here to give you an update on the FBI's investigation of Secretary Clinton's use of a personal e-mail system during her time as Secretary of State.

After a tremendous amount of work over the last year, the FBI is completing its investigation and referring the case to the Department of Justice for a prosecutive decision. What I would like to do today is tell you three things: what we did; what we found; and what we are recommending to the Department of Justice.

This will be an unusual statement in at least a couple ways. First, I am going to include more detail about our process than I ordinarily would, because I think the American people deserve those details in a case of intense public interest. Second, I have not coordinated or reviewed this statement in any way with the Department of Justice or any other part of the government. They do not know what I am about to say.

I want to start by thanking the FBI employees who did remarkable work in this case. Once you have a better sense of how much we have done, you will understand why I am so grateful and proud of their efforts.

So, first, what we have done:

The investigation began as a referral from the Intelligence Community Inspector General in connection with Secretary Clinton's use of a personal e-mail server during her time as Secretary of State. The referral focused on whether classified information was transmitted on that personal system.

Our investigation looked at whether there is evidence classified information was improperly stored or transmitted on that personal system, in violation of a federal statute making it a felony to mishandle classified information either intentionally or in a grossly negligent way, or a second statute making it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities.

Consistent with our counterintelligence responsibilities, we have also investigated to determine whether there is evidence of computer intrusion in connection with the personal e-mail server by any foreign power, or other hostile actors.

I have so far used the singular term, "e-mail server," in describing the referral that began our investigation. It turns out to have been more complicated than that. Secretary Clinton used several different servers and administrators of those servers during her four years at the State Department, and used numerous mobile devices to view and send e-mail on that personal domain. As new servers and equipment were employed, older servers were taken out of service, stored, and decommissioned in various ways. Piecing all of that back together—to gain as full an understanding as possible of the ways in which personal e-mail was used for government work—has been a painstaking undertaking, requiring thousands of hours of effort.

For example, when one of Secretary Clinton's original personal servers was decommissioned in 2013, the e-mail software was removed. Doing that didn't remove the e-mail content, but it was like removing the frame from a huge finished jigsaw puzzle and dumping the pieces on the floor. The effect was that millions of e-mail fragments end up unsorted in the server's unused—or "slack"—space. We searched through all of it to see what was there, and what parts of the puzzle could be put back together.

FBI investigators have also read all of the approximately 30,000 e-mails provided by Secretary Clinton to the State Department in December 2014. Where an e-mail was assessed as possibly containing classified information, the FBI referred the e-mail to any U.S. government agency that was a likely "owner" of information in the e-mail, so that agency could make a determination as to whether the e-mail contained classified information at the time it was sent or received, or whether there was reason to classify the e-mail now, even if its content was not classified at the time it was sent (that is the process sometimes referred to as "up-classifying").

From the group of 30,000 e-mails returned to the State Department, 110 e-mails in 52 e-mail chains have been determined by the owning agency to contain classified information at the time they were sent or received. Eight of those chains contained information that was Top Secret at the time they were

Recent National Press Releases

07.05.16 **Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System**

06.28.16 **FBI and Department of State Announce a Global Law Enforcement Forum on Diamond Trafficking and Illicit Trade Hosted by Europol**

06.24.16 **Site Selected for FBI Central Records Complex in Frederick County, Virginia**

06.23.16 **Joshua Skule Named Executive Assistant Director for the Intelligence Branch**

06.22.16 **National Health Care Fraud Takedown Results in Charges Against 301 Individuals for Approximately $900 Million in False Billing**

06.13.16 **Laura Bucheit Named Assistant Director for the Security Division**

06.09.16 **Todd McCall Named Assistant Director for the Operational Technology Division**

05.17.16 **Rising Homicide Rates: The View From the FBI**

05.16.16 **Two Men Extradited from Mexico and Charged with Participation in Murder of ICE Special Agent Jaime Zapata and Attempted Murder of ICE Special Agent Victor Avila**

05.16.16 **FBI Releases 2015 Preliminary Statistics for Law Enforcement Officers Killed in the Line of Duty**

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sent, 36 chains contained Secret information at the time, and eight contained Confidential information, which is the lowest level of classification. Separate from those, about 2,000 additional e-mails were "up-classified" to make them Confidential; the information in those had not been classified at the time the e-mails were sent.

The FBI also discovered several thousand work-related e-mails that were not in the group of 30,000 that were returned by Secretary Clinton to State in 2014. We found those additional e-mails in a variety of ways. Some had been deleted over the years and we found traces of them on devices that supported or were connected to the private e-mail domain. Others we found by reviewing the archived government e-mail accounts of people who had been government employees at the same time as Secretary Clinton, including high-ranking officials at other agencies, people with whom a Secretary of State might naturally correspond.

This helped us recover work-related e-mails that were not among the 30,000 produced to State. Still others we recovered from the laborious review of the millions of e-mail fragments dumped into the slack space of the server decommissioned in 2013.

With respect to the thousands of e-mails we found that were not among those produced to State, agencies have concluded that three of those were classified at the time they were sent or received, one at the Secret level and two at the Confidential level. There were no additional Top Secret e-mails found. Finally, none of those we found have since been "up-classified."

I should add here that we found no evidence that any of the additional work-related e-mails were intentionally deleted in an effort to conceal them. Our assessment is that, like many e-mail users, Secretary Clinton periodically deleted e-mails or e-mails were purged from the system when devices were changed. Because she was not using a government account—or even a commercial account like Gmail—there was no archiving at all of her e-mails, so it is not surprising that we discovered e-mails that were not on Secretary Clinton's system in 2014, when she produced the 30,000 e-mails to the State Department.

It could also be that some of the additional work-related e-mails we recovered were among those deleted as "personal" by Secretary Clinton's lawyers when they reviewed and sorted her e-mails for production in 2014.

The lawyers doing the sorting for Secretary Clinton in 2014 did not individually read the content of all of her e-mails, as we did for those available to us; instead, they relied on header information and used search terms to try to find all work-related e-mails among the reportedly more than 60,000 total e-mails remaining on Secretary Clinton's personal system in 2014. It is highly likely their search terms missed some work-related e-mails, and that we later found them, for example, in the mailboxes of other officials or in the slack space of a server.

It is also likely that there are other work-related e-mails that they did not produce to State and that we did not find elsewhere, and that are now gone because they deleted all e-mails they did not return to State, and the lawyers cleaned their devices in such a way as to preclude complete forensic recovery.

We have conducted interviews and done technical examination to attempt to understand how that sorting was done by her attorneys. Although we do not have complete visibility because we are not able to fully reconstruct the electronic record of that sorting, we believe our investigation has been sufficient to give us reasonable confidence there was no intentional misconduct in connection with that sorting effort.

And, of course, in addition to our technical work, we interviewed many people, from those involved in setting up and maintaining the various iterations of Secretary Clinton's personal server, to staff members with whom she corresponded on e-mail, to those involved in the e-mail production to State, and finally, Secretary Clinton herself.

Last, we have done extensive work to understand what indications there might be of compromise by hostile actors in connection with the personal e-mail operation.

That's what we have done. Now let me tell you what we found:

Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information.

For example, seven e-mail chains concern matters that were classified at the Top Secret/Special Access Program level when they were sent and received. These chains involved Secretary Clinton both sending e-mails about those matters and receiving e-mails from others about the same matters. There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for that conversation. In addition to this highly sensitive information, we also found information that was properly classified as Secret by the U.S. Intelligence Community at the time it was discussed on e-mail (that is, excluding the later "up-classified" e-mails).

None of these e-mails should have been on any kind of unclassified system, but their presence is especially concerning because all of these e-mails were housed on unclassified personal servers not even supported by full-time security staff, like those found at Departments and Agencies of the U.S. Government—or even with a commercial service like Gmail.

Separately, it is important to say something about the marking of classified information. Only a very small number of the e-mails containing classified information bore markings indicating the presence of classified information. But even if information is not marked "classified" in an e-mail, participants who know or should know that the subject matter is classified are still obligated to protect it.

While not the focus of our investigation, we also developed evidence that the security culture of the State Department in general, and with respect to use of unclassified e-mail systems in particular, was generally lacking in the kind of care for classified information found elsewhere in the government.

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With respect to potential computer intrusion by hostile actors, we did not find direct evidence that Secretary Clinton's personal e-mail domain, in its various configurations since 2009, was successfully hacked. But, given the nature of the system and of the actors potentially involved, we assess that we would be unlikely to see such direct evidence. We do assess that hostile actors gained access to the private commercial e-mail accounts of people with whom Secretary Clinton was in regular contact from her personal account. We also assess that Secretary Clinton's use of a personal e-mail domain was both known by a large number of people and readily apparent. She also used her personal e-mail extensively while outside the United States, including sending and receiving work-related e-mails in the territory of sophisticated adversaries. Given that combination of factors, we assess it is possible that hostile actors gained access to Secretary Clinton's personal e-mail account.

So that's what we found. Finally, with respect to our recommendation to the Department of Justice:

In our system, the prosecutors make the decisions about whether charges are appropriate based on evidence the FBI has helped collect. Although we don't normally make public our recommendations to the prosecutors, we frequently make recommendations and engage in productive conversations with prosecutors about what resolution may be appropriate, given the evidence. In this case, given the importance of the matter, I think unusual transparency is in order.

Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case. Prosecutors necessarily weigh a number of factors before bringing charges. There are obvious considerations, like the strength of the evidence, especially regarding intent. Responsible decisions also consider the context of a person's actions, and how similar situations have been handled in the past.

In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here.

To be clear, this is not to suggest that in similar circumstances, a person who engaged in this activity would face no consequences. To the contrary, those individuals are often subject to security or administrative sanctions. But that is not what we are deciding now.

As a result, although the Department of Justice makes final decisions on matters like this, we are expressing to Justice our view that no charges are appropriate in this case.

I know there will be intense public debate in the wake of this recommendation, as there was throughout this investigation. What I can assure the American people is that this investigation was done competently, honestly, and independently. No outside influence of any kind was brought to bear.

I know there were many opinions expressed by people who were not part of the investigation—including people in government—but none of that mattered to us. Opinions are irrelevant, and they were all uninformed by insight into our investigation, because we did the investigation the right way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way. I couldn't be prouder to be part of this organization.

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Subject:	Attorney General's News Briefing and Clips for Friday, July 08, 2016
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Friday's Attorney General's News Briefing and Clips are attached.

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THE ATTORNEY GENERAL'S *NEWS BRIEFING*

PREPARED FOR THE OFFICE OF PUBLIC AFFAIRS, US DEPARTMENT OF JUSTICE BY BULLETIN INTELLIGENCE WWW.BULLETININTELLIGENCE.COM/JUSTICE

TO: **THE ATTORNEY GENERAL AND SENIOR STAFF**

DATE: **FRIDAY, JULY 8, 2016 7:30 AM EDT**

TODAY'S EDITION

Attorney General, Deputy Attorney General and DOJ News

Non-Responsive Record

Comey, Under Tough Questioning By House Panel, Defends Decision On Clinton Prosecution.....4

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Non-Responsive Record

Comey, Under Tough Questioning By House Panel, Defends Decision On Clinton Prosecution. FBI Director Comey's appearance before the House Oversight Committee receives significant coverage, including reports on all three broadcast networks. The reports say that though Comey faced tough questions from panel Republicans, he held his ground on his decision to not recommend that charges be filed against Hillary Clinton over her handling of classified information in her emails. Most analyses agree that the issue is now primarily a political, not a legal, one, as Republicans continue to highlight the matter with Clinton's nomination for president looming.

ABC World News Tonight (7/7, story 3, 2:15, Muir, 14.63M) reported Comey was "on the hot seat" over whether he gave Clinton "preferential treatment when he recommended no criminal charges." House Oversight Chairman Jason Chaffetz: "Did Hillary Clinton break the law?" Comey: "My judgment is that she did not." ABC's Pierre Thomas said Comey drew a "contrast from the case of Gen. [David] Petraeus, who shared classified information, [with] Comey saying a big difference is Petraeus lied to the FBI. Clinton did not."

NBC Nightly News (7/7, story 4, 2:25, Holt, 16.61M) also used the phrase "hot seat," with Peter Alexander reporting, "The grilling began almost immediately, [with] Republicans demanding to know why...Comey didn't recommend criminal charges." But "Comey didn't back down on some of his harshest criticism of Clinton." Rep. Trey Gowdy (R-SC): "Secretary Clinton said there was nothing marked classified on her emails either sent or received. Was that true?" Comey: "That's not true." Alexander: "Still, he strongly defended his decision saying there was no criminal intent and that the law in question had been used in just one prosecution." Comey: "No reasonable prosecutor would bring the second case in a hundred years focused on gross negligence."

On the CBS Evening News (7/7, story 5, 2:00, DuBois, 11.17M), Jan Crawford reported, "For more than four hours...Comey held his ground, staunchly defending the independence of his investigation." Comey: "I did not coordinate that with anyone. The White House, the Department of Justice, nobody outside the FBI family had any idea what I was about to say."

Reuters (7/7, Edwards, Alexander) reports Chaffetz said, "I think there is a legitimate concern that there is a double standard, if your name isn't Clinton or you are not part of the powerful elite that Lady Justice will act differently." But ranking member Rep. Elijah Cummings (D-MD) "defended Comey's actions by saying: 'I firmly believe your decision was based on conviction, not convenience.'"

The AP (7/7, Tucker, Daly) reports that "under an onslaught of Republican criticism," Comey "vigorously defended" the decision not to prosecute Clinton. But "Republicans' hard, skeptical questioning made it clear that settling the legal issue will not end the matter as a political issue." Bloomberg Politics (7/7, Syeed, 529K) similarly says the matter "continues to cast a pall over Clinton."

USA Today (7/7, Johnson, 6.31M) says Comey "staunchly defended" his decision not to recommend charges against Clinton, a decision that "was met with considerable skepticism by committee Republicans." Chaffetz said, "We're mystified and confused by the fact pattern you laid out and the conclusion you reached." The AP (7/7, Tucker, Daly) adds that Chaffetz accused the FBI of setting a "dangerous precedent" by declining to recommend charges. The New York Times (7/7, Shear, Lichtblau, Subscription Publication, 14.18M) says Republicans "used blunt testimony" from Comey "to try to build a case that Hillary Clinton repeatedly lied to the public and Congress," though Comey, "under withering criticism...stood his ground." The Wall Street Journal (7/7, O'Keeffe, Tau, Subscription Publication, 6.27M) says Comey's insistence that Clinton broke no law was more emphatic than that he offered on Tuesday.

The Los Angeles Times (7/7, Wilber, 4.09M) reports that Comey also "expanded on his comment Tuesday that a 'very small number of the emails...bore markings indicating the presence of classified information,'" which Republicans had "pounced on...as evidence that Clinton lied when she insisted she never sent or received emails marked classified." Comey said Thursday "that none of the three emails in question had 'headers' marking the emails as containing classified material," and instead had other markings denoting a lower level of classification.

The Hill (7/7, Hattem, 884K) reports that Comey told the House panel that Clinton's interview with the FBI last weekend was not recorded and Clinton was not made to swear an oath to tell the truth before it occurred. Comey said that despite the lack of an oath, he has "no basis to conclude" that Clinton lied during the interview. It is "still a crime to lie to us," Comey said. "Under FBI policy — and to the dismay of civil libertarians and staunch transparency advocates — the bureau does not conduct electronic recordings of interviews," the Hill reports.

Politico (7/7, Gass, 1.96M) reports Comey maintained that the FBI sought to ensure its reputation of fairness in its treatment of Clinton. "The precedent I am saying is my best effort to treat fairly without regard to who they are. ...We should aspire to be apolitical, facts and the law, and treat Joe the same as Sally as Secretary So-and-So. That's my goal," Comey said. The director added that he knew of no political influence on the investigation though would "love folks to show it to me" if it existed. The FBI did not "give a hoot about politics," Comey added, the Los Angeles Times (7/7, 4.09M) reports. According to Politico (7/7, Nelson, 1.96M), the director also denied Donald Trump's suggestion that Attorney

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General Lynch may have been bribed by Clinton with an offer to stay on at the Justice Department were Clinton elected president.

The Hill (7/7, Hattem, 884K) reports Comey declined to say whether the FBI "was investigating possible impropriety at the Clinton Foundation and whether the nonprofit group had undue influence at the State Department." Bloomberg Politics (7/7, Strohm, 529K) reports that Comey, however, did say he would pursue a request lawmakers said they would send him to probe whether Clinton lied during congressional testimony. "She discussed her use of a private e-mail server during 11 hours of testimony in October before a House committee investigating the deadly 2012 attacks on U.S. outposts in Benghazi, Libya."

The Daily Dot (7/7, 390K) reports that Comey testified that Romanian hacker Marcel Lehel Lazar, also known as Guccifer, lied to the FBI about having hacked Clinton's email server in 2013. The AP (7/7, Riechmann) reports that he also said he misspoke when he said that Gen. Petraeus "hid materials in attic insulation while the agency pursued its case about his mishandling of classified information."

The Washington Post (7/7, Zapotosky, 9.18M) says the hearing previewed "what is likely to be a months-long effort to call the presumptive Democratic presidential nominee's credibility and judgment into question, using the email investigation as a vessel." Reuters (7/7, Edwards, Alexander) reports Clinton campaign spokesman Brian Fallon said in a statement, "Director Comey's testimony clearly knocked down a number of false Republican talking points and reconciled apparent contradictions between his previous remarks and Hillary Clinton's public statements."

The Wall Street Journal (7/7, Subscription Publication, 6.27M) says in an editorial that despite his reputation for objectivity, Comey made a decision that could help him politically but that has the effect of giving Clinton special treatment. However, USA Today (7/7, 6.31M) editorializes that Republicans "would be wise to focus their fire on Clinton and drop the attacks on Comey, a highly respected official whose statement Tuesday provides ample ammunition for attacks" on Clinton. USA Today calls on Clinton to "hold a news conference – her first in three months – to address all the questions raised by Comey's findings."

Eugene Robinson writes in his Washington Post (7/7, 9.18M) column, "Next to the word 'overreach' in the dictionary should be a group picture of the House Republican caucus. Once again, in their Ahab-like pursuit" of Clinton, "they have managed to make themselves look desperately partisan and woefully incompetent."

But other commentators are more critical. Charles Krauthammer writes in his Washington Post (7/7, 9.18M) column that "the evidence, as outlined by Comey, is overwhelming," and that "Comey's thinking, whether conscious or not," was that "he did not want the FBI director to end up as the arbiter of the 2016 presidential election." Kimberley Strassel says in her Wall Street Journal (7/7, Subscription Publication, 6.27M) column that Comey chose to pass the buck to the voters on whether or not Clinton should be held liable. And John V. Berry, an attorney who specializes in cases involving security clearances, writes in the Washington Post (7/7, 9.18M) that though he is "a political centrist who tends to like Clinton as a candidate," he "cannot foresee a situation in which an ordinary employee facing such allegations would be able to keep a security clearance with the types of concerns raised in the FBI findings."

Alan Dershowitz writes in a USA Today (7/7, 6.31M) op-ed that while Comey "was correct in his conclusion that no reasonable prosecutor would indict" Clinton based on the evidence, he "raised troubling questions" with his detailed remarks Tuesday, since it is "not generally the job of an FBI director to describe and assess the evidence in a public statement." McClatchy (7/7, Taylor, Johnson, 43K), the Washington Times (7/7, Dinan, 257K), and Politico (7/7, Kim, 1.96M) also have reports.

State Department Reopens Email Probe. The AP (7/7, Klapper) reports the State Department said it is reopening its internal investigation of the handling of Clinton's emails. State suspended its review in April "so as not to interfere with the FBI's inquiry. State Department spokesman John Kirby said the probe is restarting after the Justice Department's announcement Wednesday that it won't bring any criminal charges." USA Today (7/7, Toppo, 6.31M) reports Kirby said former officials "can still face 'administrative sanctions.' The most serious is loss of security clearances, which could complicate Clinton's naming of a national security team if she becomes president." Reuters (7/7, Mohammed) and the Washington Post (7/7, Morello, 9.18M) also report.



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THE BIG PICTURE:

Headlines From Today's Front Pages.

WALL STREET JOURNAL:

House Republicans Push For New Hillary Clinton Investigation

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Comey Pressed To Justify Email Call

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Document ID: 0.7.7995.5577-000001 20170503 - 0000499

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WASHINGTON TIMES:

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James Comey Says Hillary Clinton Not 'Sophisticated Enough' To Understand Classified Markings

Non-Responsive Record

STORY LINEUP FROM LAST NIGHT'S NETWORK NEWS:

ABC Non-Responsive Record Clinton Email Investigation-Comey Hearing; Non-Respo nsive

CBS Non-Responsive Record Clinton Email Investigation-Comey Hearing; Non-Respo nsive

NBC Non-Responsive Record Clinton Email Investigation-Comey Hearing Non-Responsive Record

NETWORK TV AT A GLANCE:

Non-Responsive Clinton Email Investigation-Comey Hearing – 6 minutes, 50 seconds

Non-Responsive Record

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Non-Responsive Record

CBS Non-Responsive Record Clinton Email Investigation-Comey Hearin Non-Responsive Record .

FOX Non-Responsive Record ; Clinton Email Investigation-Comey Hearing; Clinton Email Investigation-State Department Prob Non-Responsive Record .

NPR Non-Responsive Record ; Clinton Email Investigation-State Department Probe; Clinton Email Investigation-Comey Hearin Non-Responsive Record

WASHINGTON'S SCHEDULE:

Today's Events In Washington.

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DEPARTMENT OF JUSTICE *NEWS CLIPS*

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TO: **THE ATTORNEY GENERAL AND SENIOR STAFF**

DATE: **FRIDAY, JULY 8, 2016 7:30 AM EDT**

TODAY'S EDITION

Attorney General, Deputy Attorney General and DOJ News

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FBI Chief Says His Employees Would Face Discipline If They Handled Emails Like Clinton

By Julia Edwards And David Alexander

Reuters, July 7, 2016

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

No Double Standard For Clinton, FBI Director Tells GOP

By Eric Tucker And Matthew Daly

Associated Press, July 7, 2016

WASHINGTON (AP) – Under an onslaught of Republican criticism, FBI Director James Comey vigorously defended the government's decision not to prosecute Hillary Clinton over her private email setup, rejecting angry accusations that the Democratic presidential candidate was given special treatment.

To criminally charge Clinton based on the facts his agency's yearlong probe had found would have been unwarranted and mere "celebrity hunting," Comey told a congressional investigative committee Thursday.

In nearly five hours of testimony, he sought to explain the Justice Department's decision ending an investigation that has dogged Clinton's presidential campaign and raised fresh questions among voters about her trustworthiness.

Republicans' hard, skeptical questioning made it clear that settling the legal issue will not end the matter as a political issue as Clinton campaigns against Republican Donald Trump, who scornfully refers to her as "Crooked Hillary."

Republicans on the panel, voices sometimes raised in apparent frustration and irritation, said they were mystified by the decision not to prosecute because they felt that Comey, in a remarkably detailed and critical public statement on Tuesday, had laid out a sufficient basis for charges.

"I totally get people's questions," he said, but the FBI was obliged to follow the law.

He said investigators found no evidence that Clinton or her aides intended to break the law, even though they mishandled classified information. A misdemeanor statute requires the mishandling to be willful, Comey said. And a law that permits felony prosecution due to gross negligence has been used only once in the 99 years since it was enacted – and that was in a case involving espionage.

"We don't want to put people in jail unless we prove that they knew they were doing something they shouldn't do," Comey said. "That is the characteristic of all the prosecutions involving mishandling of classified information."

Comey's appearance before the House Oversight and Government Reform Committee marked his first public statements since his announcement that removed the threat of criminal charges against Clinton but also revived public scrutiny of her email behavior as secretary of state in President Barack Obama's first term.

Committee chairman Jason Chaffetz, R-Utah, told Comey that the FBI's decision showed a "double standard" for powerful people. Had the "average Joe" done what she had done, he said, that person would go to prison.

"If your name isn't Clinton, or you're not part of the powerful elite, then Lady Justice will act differently," Chaffetz said, adding that the FBI had set a "dangerous precedent" in letting her off the hook.

Chaffetz said lawmakers would now ask the FBI to investigate whether Clinton lied to the committee.

One by one, Comey rebutted a litany of GOP charges including that the FBI had been biased, ignored the law, applied it unjustly or coordinated the decision with Clinton's campaign. "We try very hard to apply the same standard whether you are rich or poor, white or black, old or young, famous or not known at all," he said.

The committee's top Democrat, Elijah Cummings of Maryland, accused Republicans of politicizing the investigation. But he suggested that Comey had contributed to that by leaving "a perceived gap" between his public criticism of Clinton and his conclusion not to prosecute.

"I beg you to fill the gap. Because when the gap is not filled by you, it will be filled by others," Cummings said.

As he had on Tuesday, Comey left no doubt about the FBI's contention that Clinton's email practices were careless and left government secrets exposed to hostile nations. He said that three of the emails in question bore classification markings in the body despite Clinton's assertions that nothing she had sent or received was marked classified. And he said that government workers who negligently handled classified information, including FBI agents, could be subject to administrative sanctions.

But he repeated his earlier contention that "no reasonable prosecutor" would have pursued criminal charges against Clinton, saying at one point, "We went at this very hard to see if we could make a case."

Comey, for years a registered Republican who said he's no longer registered with a political party, was deputy attorney general in the George W. Bush administration and was appointed in 2013 to a 10-year term as FBI director by President Obama. He would still be on the job if Clinton were elected president.

He drew distinctions between the Clinton probe and last year's prosecution of former CIA Director David Petraeus, who pleaded guilty to sharing classified information with his biographer. Petraeus, Comey said, retained a "vast quantity" of classified information in his home and then lied to the FBI about it.

"He admitted he knew that was the wrong thing to do," Comey said. "That is a perfect illustration of the kind of cases that get prosecuted. In my mind, it illustrates importantly the distinction to this case."

Despite the no-prosecution decision, Comey had rebuked Clinton and her aides on Tuesday as being "extremely careless" in their handling of classified information and contradicted many of the explanations she's put forward.

The investigation formally ended Wednesday when Attorney General Loretta Lynch announced that no charges would be filed.

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FBI Chief Rejects Republican Attacks On His Clinton Decision

By Nafeesa Syeed
Bloomberg Politics, July 7, 2016

FBI Director James Comey defended his recommendation against pursuing criminal charges for Hillary Clinton over her use of private e-mail while secretary of state, testifying before Congress as he faced an onslaught of criticism from Republicans.

"The appropriate resolution of this case was not to bring a criminal prosecution," Comey told the House Oversight Committee Thursday at a hastily called hearing in Washington. "I know the Department of Justice, and I know no reasonable prosecutor would bring this case."

Comey's testimony over almost five hours marked the latest turn in a dispute that continues to cast a pall over Clinton, the presumptive Democratic presidential nominee. While embracing the FBI director's criticism of Clinton for her careless handling of sensitive official information, Republicans have moved on many fronts to challenge his July 5 recommendation against seeking charges.

At the start of the hearing, Republican Chairman Jason Chaffetz said he was "mystified and confused by the fact pattern that you laid out and the conclusion that you reached."

"It seems to a lot of us that the average Joe, the average American, that if they had done what you laid out in your statement that they'd be in handcuffs and they might be on their way to jail and they probably should," Chaffetz of Utah said. There are two standards, he said, with different treatment "if your name isn't Clinton or you're not part of the powerful elite."

After Comey's testimony, Clinton campaign spokesman Brian Fallon said it "clearly knocked down a number of false Republican talking points and reconciled apparent contradictions between his previous remarks and Hillary Clinton's public statements."

"The director's explanations shut the door on any remaining conspiracy theories once and for all," Fallon said in an e-mailed statement. "While Republicans may try to keep this issue alive, this hearing proved those efforts will only backfire."

Comey told the committee it's"not true" that a separate standard was applied to Clinton or that politics tainted the inquiry. The FBI chief, who has been a registered Republican in the past but said Thursday that's no longer the case, said the investigation was conducted by people who didn't "give a hoot about politics" and performed their work in "an apolitical and professional way.""Went at This'

"We went at this very hard to see if we could make a case," he said.

Pressed by Chaffetz, Comey said of Clinton, "We have no basis to conclude she lied to the FBI." He added later that the FBI didn't find her evasive in 3 1/2 hours of questioning over the weekend.

Clinton was interviewed by five or six agents but not him and wasn't put under oath, Comey said. Chaffetz said lawmakers will ask the FBI to investigate whether Clinton lied to Congress when she testified about her e-mail practices.

Elijah Cummings of Maryland, the panel's top Democrat, called the hearing politically motivated and another instance of Republicans using taxpayer funds to revisit an issue that's already been resolved.

"Amazingly, some Republicans who were praising you just days ago for your independence and integrity and honesty, instantly turned against you," Cummings said. "In their eyes, you had one job and one job only – to prosecute Hillary Clinton."Lynch Announcement

Comey announced July 5 that an almost yearlong investigation by the Federal Bureau of Investigation found Clinton and her staff at the State Department were "extremely careless in their handling of very sensitive, highly classified information." But he also said that "no reasonable prosecutor" would bring charges in the case, and Attorney General Loretta Lynch announced on Wednesday that no charges will "be brought against any individuals within the scope of the investigation."

In his testimony, Comey said the case of retired General David Petraeus "illustrates the distinction" from the Clinton investigation. He said the former CIA director and leader of U.S. forces in Iraq and Afghanistan lied to investigators and knew he was violating the law, unlike Clinton.

Petraeus, who handed over classified documents to Paula Broadwell, his biographer and lover, pleaded guilty last year to removing and retaining classified information. He was sentenced to two years' probation and fined $100,000.

Representative Carolyn Maloney, a Democrat from New York, asked Comey if he had made his decision based on a bribe. He replied no.Trump on 'Bribery'

Donald Trump, the presumptive Republican presidential nominee, has said "it's bribery," suggesting that Lynch let Clinton off the hook in a deal to keep her job as attorney general if the Democrat wins the November election.

Among other Republicans, House Speaker Paul Ryan has said Clinton should be denied the national security briefings that presidential nominees normally receive and he hasn't ruled out seeking a special prosecutor to investigate further.

Senate Majority Leader Mitch McConnell has demanded public release of Clinton's interview with the FBI. The Republican National Committee said it has filed a Freedom of Information Act request for several thousand previously undisclosed work-related e-mails that Comey said the FBI found.

Clinton's campaign has called the issue settled, with spokesman Brian Fallon saying "this matter is now resolved." Clinton has previously said she did nothing wrong in using private e-mail but now regrets doing so.Gmail More Secure

In his testimony, Comey said unsuccessful attempts were made to break into Clinton's e-mail system. He declined to say where the hackers originated but said the attempts weren't limited to criminal activity, suggesting that the attempts came from other governments for the purpose of espionage.

Comey added that the private e-mail server used by Clinton was even less secure than a popular free e-mail service, saying Google's "Gmail has full-time security."

The FBI found that of the more than 30,000 e-mails turned over by Clinton, some 110 e-mails spanning 52 chains contained information that was classified at the time it was sent. Of those chains, eight contained information classified at the Top Secret level.

Comey said in announcing his findings that the bureau also discovered "several thousand" work-related e-mails that weren't turned over by Clinton's lawyers. Those messages, discovered by searching through a computer she used as a server and scanning the archives of other U.S. officials, included an additional three containing classified material.

While the FBI "did not find direct evidence" that Clinton's e-mail system was hacked successfully, Comey said in his findings, "we do assess that hostile actors gained access to the private commercial e-mail accounts of people with whom Secretary Clinton was in regular contact from her personal account."

Comey Faces Grilling By House Panel Over Clinton Emails

By Kevin Johnson

USA Today, July 7, 2016

WASHINGTON — FBI Director James Comey staunchly defended his decision not to recommend criminal charges against Hillary Clinton for her use of private email servers while secretary of State Thursday, telling a House panel that the decision was based on an "apolitical'' review of nearly a century of case law.

In his first public remarks since announcing the recommendation Tuesday, Comey told a politically divided House Oversight and Government Reform Committee that the presumptive Democratic presidential nominee did not lie to FBI agents, did not break the law and that the decision not to proceed with criminal charges was the unanimous assessment of a group of investigators and analysts whom the director described as an "all-star team'' assembled by the Justice Department.

"There is no way anybody would bring a case against John Doe or Hillary Clinton for the second time in 100 years based on those facts,'' Comey told lawmakers, referring to a review of past prosecutions.

Comey's appearance before the House Oversight and Government Reform Committee comes two days after he announced his recommendation regarding Clinton and her aides, while also saying there was evidence there were "extremely careless" in their handling of classified information. Attorney General Loretta Lynch formally closed the inquiry Wednesday.

Comey's recommendation was met with considerable skepticism by committee Republicans.

"We're mystified and confused by the fact pattern you laid out and the conclusion you reached,'' Committee Chairman Jason Chaffetz, R-Utah, told Comey Thursday in his opening statement, adding that any other "average Joe'' facing the same scrutiny would likely be in "handcuffs."

At the hearing, Comey was asked whether Clinton was eligible to hold a security clearance. "There would be a security review and determination of suitability," he said, reciting the FBI's own security review process. Later, asked whether the "careless'' handling of classified information would expose an FBI employee to possible termination, Comey said, "Yes.''

The director also discussed a previous case against retired Gen. David Petraeus, who in 2015 pleaded guilty to a misdemeanor for sharing classified information with his mistress. Presumptive Republican presidential nominee Donald Trump cited the Petraeus incident following Comey's recommendation earlier in the week, saying Clinton's actions had been more serious.

Comey said the guilty plea of Petraeus offered the "perfect illustration of a case that gets prosecuted.''

He said Petraeus maintained "vast quantities of classified information,'' lied to the FBI and engaged in obstruction of justice. Comey said he stood by the prosecution of Petraeus.

Throughout the hearing, Republican members repeatedly pressed Comey to assess the accuracy of Clinton's previous public statements, now in conflict with the FBI's findings, about her management of information, including her assertions that she never sent or received material marked classified.

In an exchange with Rep. Trey Gowdy, R-S.C., Comey acknowledged that Clinton's previous public assertions about her management of classified information did not square with the FBI's conclusions.

Rather than the one device Clinton said she used to transit information, Comey said the former secretary used "multiple" devices.

The director also said some of the communications were marked as classified, a finding at odds with Clinton's previous characterizations that no information marked classified was moved through her system.

Rep. Elijah Cummings, D-Md., left, speaks with House Oversight Committee Chairman Jason Chaffetz before a hearing with FBI Director James Comey on July 7, 2016. (Photo: Yuri Gripas, AFP/Getty Images)

"It's possible — possible that she did not understand what (classified marking) meant," Comey said, referring to a small number of emails that were found to have been marked as classified.

Republican lawmakers indicated that they would request that the Justice Department launch a new investigation into Clinton, suggesting that the former secretary lied to Congress when she testified during the House Benghazi investigation that she did not send or receive information that was marked classified. The FBI recovered three such emails with classified markings during its review.

Before Thursday's hearing even began, Republican leaders intensified their efforts to seek administrative sanctions against Clinton.

House Speaker Paul Ryan, R-Wis., called on the director of national intelligence to block the former secretary from receiving classified briefings, asserting that Clinton's careless management of sensitive information, as outlined by Comey, had rendered her unfit to receive such national security information.

Several Republican senators have also introduced legislation to revoke Clinton's security clearance.

Republican National Committee Chairman Reince Priebus announced that the committee was filing a freedom of information request for access to the emails referenced in the FBI investigation before the November general election.

During a rally near Cincinnati Wednesday evening, Trump, criticized the outcome of the investigation, saying Clinton was "a dirty rotten liar."

Democratic lawmakers at Thursday's hearing were unflinching in their support of the FBI director, a longtime Republican who is no longer registered with a political party.

U.S. Virgin Islands Rep. Stacey Plaskett called the criticism of Comey "utterly offensive."

"Director Comey is a man of impeccable integrity," said Plaskett, who once worked with the director during a previous tenure at the Justice Department. "It is very rare that you work with a gentleman who is completely that."

Plaskett's defense came after Rep. John Mica, R-Fla., suggested that the fast-moving events of the past week — beginning with the disclosure of an unscheduled encounter between former president Bill Clinton and Lynch and ending with Comey's recommendation not to pursue a prosecution—was feeding conspiracy theories that he would have to address when he returned to his district. Lynch is scheduled to appear before the House Judiciary Committee on Tuesday.

"I would tell folks in those cafes to look me in the eye," Comey said. "I did not coordinate that (announcement) with anyone."

Rep. Lacy Clay, D-Mo., described the Thursday hearing as "a sequel" to the Republican-controlled panel's "witch-hunt" targeting Clinton over the 2012 Benghazi attacks.

Earlier this week, Comey acknowledged that his decision would spark "intense public debate," but he asserted that the investigation's outcome was based on a "thorough" review. At Thursday's hearing, he acknowledged again the widespread scrutiny that's come in the wake of the case's resolution.

"I'm not surprised by the intense interest and debate," Comey said. "We'll just continue to have the conversation."

"An unclassified email system is no place for classified information," he added. "The root of the problem is people using personal email systems to conduct business that is classified."

No Double Standard For Clinton, FBI Director Tells GOP

By Eric Tucker And Matthew Daly

Associated Press, July 7, 2016

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"We don't want to put people in jail unless we prove that they knew they were doing something they shouldn't do," Comey said. "That is the characteristic of all the prosecutions involving mishandling of classified information."

Later Thursday, State Department spokesman John Kirby said the department was reopening its internal investigation of possible mishandling of classified information by Clinton and top aides. The internal review was suspended in April to avoid interfering with the FBI inquiry, Kirby said. Earlier this week he said former officials could face loss of security clearances or other administrative sanctions.

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"If your name isn't Clinton, or you're not part of the powerful elite, then Lady Justice will act differently," Chaffetz said, adding that the FBI had set a "dangerous precedent" in letting her off the hook.

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But he also said it was possible Clinton didn't even understand what the classification markings were, saying the investigation suggested she was not "particularly sophisticated with respect to classified information."

And he repeated his earlier contention that "no reasonable prosecutor" would have pursued criminal charges, saying at one point, "We went at this very hard to see if we could make a case."

Comey, for years a registered Republican who said he's no longer registered with a political party, was deputy attorney general in the George W. Bush administration and was appointed in 2013 to a 10-year term as FBI director by President Obama. He would still be on the job if Clinton were elected president.

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The investigation formally ended Wednesday when Attorney General Loretta Lynch announced that no charges would be filed.

Follow Eric Tucker at http://www.twitter.com/etuckerAP , Matthew Daly at http://twitter.com/MatthewDalyWDC

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FBI Director Testifies On Clinton Emails To Withering Criticism From GOP

By Michael D. Shear And Eric Lichtblau

New York Times, July 7, 2016

WASHINGTON — Republican lawmakers on Thursday used blunt testimony from the F.B.I. director, James B. Comey, to try to build a case that Hillary Clinton repeatedly lied to the public and Congress as she defended her use of a private email server during her time as secretary of state.

Under withering criticism from Republicans, Mr. Comey stood his ground on his recommendation against criminal prosecution for Mrs. Clinton and her aides. But he said Mrs. Clinton, the likely Democratic nominee for president, had been "negligent" in her handling of classified material, and he said that her lawyers probably deleted classified material as they destroyed thousands of her emails.

Mr. Comey — who maintained his composure except for one flash of anger when Republicans questioned his integrity — repeatedly acknowledged that the public statements by the former secretary of state, including some she delivered during a sworn appearance before Congress last year, were contradicted by the facts uncovered during the F.B.I. investigation.

"Secretary Clinton said there was nothing marked classified on her emails, either sent or received," Representative Trey Gowdy, Republican of South Carolina, said during several hours of testimony by Mr. Comey before the House Oversight and Government Reform Committee. "Was that true?"

"That's not true," Mr. Comey said. Asked later about Mrs. Clinton's assertion during congressional testimony that none of her emails had been marked "classified," Mr. Comey said three emails bore small markings indicating that they contained classified information.

Mr. Comey said F.B.I. investigators did not examine whether Mrs. Clinton had lied to Congress about her use of emails because the agency did not get a "referral" from the legislative branch to investigate her statements under oath. Representative Jason Chaffetz, the Republican chairman of the committee, promised that would soon change.

"You'll have one," Mr. Chaffetz said. "You'll have one in the next few hours."

The testimony from the F.B.I. director provided more ammunition for Mrs. Clinton's political adversaries as Mr. Comey expanded on the remarks he made on Tuesday when he announced the agency's recommendation. Mrs. Clinton's defenders in Congress were forced to rebut the latest round of evidence rather than celebrate the dismissal of the criminal case, just a day after the Justice Department closed its criminal investigation into the email affair.

Aided by Democrats on the panel, who accused their Republican colleagues of conducting a partisan, political witch hunt, Mr. Comey insisted that Mrs. Clinton was not given special consideration by the F.B.I. nor held to a more lenient standard than a less prominent person would have been.

"It's just not accurate," said Mr. Comey, who has served both Republican and Democratic presidents. "We try very hard to apply the same standard whether you're rich or poor, white or black, old or young, famous or not known at all."

He angrily denied suggestions that he had consulted with members of the White House or the Justice Department or coordinated his conclusions about Mrs. Clinton with them. His face turned red as he insisted that he had not spoken with anyone before announcing his conclusions earlier this week. In a raised voice he said that he wanted to make something very clear to anyone watching the hearing in their local cafe: "I did not coordinate that with anyone," he said.

But Mr. Comey's testimony is certain to add to the political troubles for Mrs. Clinton as she pursues the presidency against Donald J. Trump this fall.

In particular, Mr. Comey repeatedly suggested that someone who had done what Mrs. Clinton and her aides did would likely be subject to administrative sanctions. Representative Ron DeSantis, Republican of Florida, asserted that those administrative consequences could include "revocation of security clearance."

"Yes," Mr. Comey agreed.

"It could include an ineligibility for future employment in national security positions?" Mr. DeSantis said.

"It could," the F.B.I. director said. Under questioning from Mr. DeSantis, Mr. Comey said that an employee of the F.B.I. who was found to be "extremely careless" with top secret information would be exposed to potential termination from the bureau.

"One of my employees would not be prosecuted for this," Mr. Comey said under questioning later in the hearing. "They would face consequences for this."

Top aides to Mrs. Clinton posted on Twitter throughout the hearing, describing the Republican efforts to quiz Mr. Comey as a stunt and asserting that the director's testimony was good for Mrs. Clinton.

"In his testimony today, Comey has reconciled most every apparent contradiction between his remarks Tuesday and Clinton's public statements," wrote Brian Fallon, a Clinton spokesman.

Later, he added: "GOP talking points falling left and right today."

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Jennifer Palmieri, Mrs. Clinton's communications director, wrote on Twitter that Republicans "had partisan motivations for calling it, but hearing is very helpful to us. Clarified a lot of important points."

House Republicans Push For New Hillary Clinton Investigation

Declaration comes as FBI chief defends recommendation against charging former secretary of state over handling of emails

By Kate O'Keeffe And Byron Tau

Wall Street Journal, July 7, 2016

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Comey Says FBI Did Not 'Give A Hoot About Politics' In Clinton Email Investigation

By Del Quentin Wilber

Los Angeles Times, July 7, 2016

FBI Director James Comey on Thursday vigorously defended his decision not to file criminal charges over Hillary Clinton's use of a private email server, at times lecturing incredulous Republican lawmakers on the fine line between being careless and committing a crime.

The hearing before the House Oversight and Government Reform Committee divulged few new details about the FBI investigation, beyond a revelation by Comey that the presumptive Democratic presidential candidate may not have understood the meaning of small classification markings in the bodies of three emails that indicated those paragraphs were considered confidential.

The session was the latest example of how the email scandal has become a political Rorschach test, with Republicans expressing anger and frustration at the decision not to prosecute, and Democrats defending Comey's integrity and independence against withering attacks from the other side of the hearing room.

In his testimony, Comey reiterated that the FBI had uncovered no evidence that Clinton knowingly sent classified information despite displaying "great carelessness" and a lack of technical sophistication. The Justice Department on Wednesday accepted that recommendation and formally closed the investigation.

"I do not see evidence that is sufficient to establish that Secretary Clinton or those with whom she was corresponding both talked about classified information on email, and knew when they did it that they were doing something that was against the law," Comey said.

Asked why Clinton's conduct could not be prosecuted under a 1917 law involving "gross negligence," the FBI director noted that only one other person had been charged under that provision in the past 99 years and that defendant had engaged in espionage. He questioned the constitutionality of the law.

"We don't want to put people in jail unless we prove that they knew they were doing something they shouldn't do," Comey said.

Comey's rationale did not satisfy Republicans, who expressed concerns that the FBI and Justice Department were showing deference to Clinton and would have prosecuted someone else in similar circumstances.

Rep. Jason Chaffetz (R-Utah), chairman of the committee, said he was "mystified. … We believe that you have set a precedent, and it's a dangerous one. The precedent is that if you sloppily deal with classified information, if you are cavalier about it, and it wasn't just an innocent mistake and this went on for years, then there is going to be no consequence."

Despite being pressed repeatedly by Republicans, Comey declined to say whether he believed Clinton lied in her public statements about the email server. He said he believed she had been truthful to FBI agents during her 3.5-hour interview on Saturday.

"I have no basis for concluding that she was untruthful with us," he said.

In response to GOP questions, he did agree that if someone under his supervision had engaged in similar conduct, there would be administrative consequences, though no criminal prosecution.

He also expanded on his comment Tuesday that a "very small number of the emails … bore markings indicating the presence of classified information."

Republican critics had pounced on that revelation as evidence that Clinton lied when she insisted she never sent or received emails marked classified.

Comey told lawmakers that none of the three emails in question had "headers" marking the emails as containing classified material. Instead, he said, the body of three emails contained markings — the letter C in parentheses — that indicated the information within that paragraph was confidential, the lowest level of classification.

The director agreed that a sophisticated government employee should have recognized what the marking meant, but said he believed Clinton may not have. "I think it's possible, possible she didn't understand what a 'C' meant when she saw it in the body of the email like that."

Separately, State Department officials have disputed whether the information in those emails should have been marked confidential in the first place, attributing it to "human error." They said the information — which involved possible conversations between Clinton and foreign officials — no longer was deemed confidential by the time the emails were sent. Democrats said the disclosure vindicated Clinton.

One of the few moments when Comey broke his calm demeanor and expressed frustration came in response to a statement from Florida Republican Rep. John L. Mica that his constituents believed there "was something fishy" about the timing of Comey's announcement — just hours before President Obama joined Clinton at a campaign rally.

The FBI director grew a bit stern and said he hoped Mica's constituents would "look me in the eye and listen to what I'm about to say: I did not coordinate that with anyone — the White House, the Department of Justice, nobody outside the FBI family had any idea what I was about to say. I say that under oath; I stand by that. There was no coordination."

The hearing, and another next week involving Atty. Gen. Loretta Lynch, are part of an effort by GOP leaders to keep the Clinton email controversy at center stage, even as Clinton's campaign attempts to put the issue behind it.

In choosing to attack Comey and question the integrity of the probe, Republicans may have missed an opportunity to draw out the director's more damning public condemnations Tuesday of Clinton's mishandling of classified materials.

FBI agents had found that 110 emails in 52 email chains contained information that should have been marked and treated as classified when it was sent on Clinton's personal server, including eight chains containing information that was top secret, the highest level of classification.

Instead GOP lawmakers frequently pressed Comey, also a Republican, to justify his own actions, effectively forcing him to defend Clinton's conduct as not rising to the level of criminal activity.

Chaffetz signaled that Republicans were not going to let the issue go with a single hearing. He indicated he would like the FBI to look into whether Clinton committed perjury during her congressional testimony over the 2012 Benghazi terrorist attack, when she denied sending materials marked classified on her private email server. Other lawmakers said they would ask the FBI to turn over more information about what Clinton told agents during her interview.

Democrats, on the other hand, accused Republicans of seeking to score political points, not get at the truth.

"I firmly believe your decision was not based on convenience but on conviction," Rep. Elijah E. Cummings of Maryland, the ranking Democrat, told Comey.

Rep. Gerald E. Connolly (D-Va.) said the hearing was "political theater. It's not even the pretense of trying to get at the truth."

FBI Didn't Record Clinton Interview, Did Not Administer Sworn Oath

By Julian Hattem

The Hill, July 7, 2016

Hillary Clinton did not swear an oath to tell the truth before meeting with the FBI for three and a half hours last weekend, and the interview was not recorded, FBI Director James Comey told House lawmakers on Thursday.

The lack of a sworn oath does not remove the possibility of criminal penalties against Clinton if she lied to the FBI, though he said he had "no basis to conclude" that she was untruthful.

"Still a crime to lie to us," Comey told the House Oversight Committee.

FBI policy is not to record interviews as part of its investigations.

Yet the revelations will nonetheless raise questions among Republicans, who have been skeptical of the FBI's investigation and have demanded to see the transcript of the former secretary of State's interview in downtown Washington on Saturday.

"Well, that's a problem," Rep. John Mica (R-Fla.) told Comey when the FBI chief explained the terms of the interview.

"It's pretty clear ... that the American people would like to see what Hillary Clinton said to the FBI," Senate Majority Leader Mitch McConnell (R-Ky.) told reporters on Wednesday, a day before Comey's appearance before House lawmakers.

Under FBI policy — and to the dismay of civil libertarians and staunch transparency advocates — the bureau does not conduct electronic recordings of interviews.

"Under the current policy, agents may not electronically record confessions or interviews, openly or surreptitiously" except in rare circumstances, the bureau said in a 2006 memo.

The FBI did, however, complete a federal form summarizing the interview, known as an FD-302, Comey said.

Mica recommended that a copy of that summary be provided to the Oversight Committee.

Comey himself was not among the "five or six" agents who interviewed Clinton, he testified on Thursday. But he assured lawmakers that Clinton told the truth throughout the session.

"I don't think the agents assessed she was evasive," he added.

FBI Director: With Clinton, I Tried To Avoid 'Celebrity Hunting'

By By Nick Gass

Politico, July 7, 2016

At multiple points during his testimony Thursday, James Comey forcefully batted away the notion that Hillary Clinton received special treatment in the FBI's investigation, asserting that he wanted the reputation of the bureau and the Justice Department to be such that the "average Joe or Jane" is treated the same as "Secretary So-and-So."

Following an exchange with Rep. Trey Gowdy (R-S.C.) over the FBI's recommendation not to prosecute Clinton for lack of evidence of intent, Comey laid out his reasoning as to why the department has not used the Espionage Act of 1917's "gross negligence" statute to bring forth charges. The statute has been used only once by the Justice Department, he said, and in an espionage case.

"And whether their decision was smart or not, that is the record of fairness. And so you have to decide: Do I treat this person against that record and, if I do, is that a fair thing to do? Even if you're not worried about the constitutionality of it, my judgment is no reasonable prosecutor would do that," the FBI director told the House Oversight and Government Reform Committee, echoing his remarks from Tuesday. "That would be celebrity hunting. That would be treating this person differently than John Doe."

Asked earlier by Rep. Mick Mulvaney (R-S.C.) whether it bothers him that "the precedent you are setting today may well lead to a circumstance where our top-secret information continues to be exposed to our potential enemies," Comey said it did not.

"The precedent I am saying is my best effort to treat fairly without regard to who they are. If that continues to be the record of the FBI and Justice Department, that's what it should be. The rest of the implications in your question are beyond that. They're important, but they're not for the FBI to answer. We should aspire to be apolitical, facts and the law, and treat Joe the same as Sally as Secretary So-and-So. That's my goal."

Rep. Michelle Lujan Grisham (D-N.M.) asked Comey whether there was any evidence of Clinton not being charged based on "inappropriate political influence or due to her current or previous public positions."

"Zero, and if there is such evidence, I'd love folks to show it to me," Comey responded.

Comey Says FBI Did Not 'Give A Hoot About Politics' In Clinton Email Probe

Los Angeles Times, July 7, 2016

FBI Director James B. Comey on Thursday defended his decision to recommend that no criminal charges be brought in the investigation of Hillary Clinton's use of a private email server during her tenure as secretary of State.

Testifying before a House committee, Comey said that he and his team of FBI agents didn't "give a hoot about politics" in reaching their determination, which was accepted by Atty. Gen. Loretta Lynch in formally closing the investigation into the presumptive Democratic presidential candidate's handling of classified information.

Comey said a key reason for his conclusion was that Clinton did not knowingly send classified information despite displaying "great carelessness" and at times lack of sophistication.

"I do not see evidence that is sufficient to establish that Secretary Clinton or those with whom she was corresponding both talked about classified information on email and knew when they did it, that they were doing something that was against the law," Comey said.

Asked why Clinton's conduct could not be prosecuted under a 1917 law involving "gross negligence," he noted that only one other person had been charged under that provision in the past 99 years.

Comey Denies Trump's Allegation That Lynch Was Bribed On Clinton Probe

By By Louis Nelson

Politico, July 7, 2016

FBI Director James Comey said the bureau's recommendation not to press charges against Hillary Clinton was not part of any quid pro quo agreement with the presumptive Democratic presidential nominee.

Clinton's general election opponent, Donald Trump, has suggested that the FBI's recommendation against charges over the former secretary of state's homebrew email system was the result of a pledge made to Attorney General Loretta Lynch that she could stay on as head of the Justice Department if Clinton were elected this fall.

House Oversight Committee member Rep. Carolyn Maloney (D-N.Y.) asked Comey if such an agreement existed, prefacing her question by suggesting that the notion was "ridiculous." The FBI director responded with one word, "no."

Comey also assured Maloney that another of Trump's allegations, that the timing of the FBI's announcement was intended to help Clinton by releasing her from the shadow of criminal indictment on the same day that she campaigned for the first time with President Barack Obama, was untrue.

"Timing was entirely my own. Nobody knew I was going to do it, including the press," Comey said. "I'm very proud of the way the FBI, nobody leaked that. We didn't coordinate it, didn't tell. It was not a consideration."

FBI Won't Rule Out Probe Into Clinton Foundation

By Julian Hattem

The Hill, July 7, 2016

The head of the FBI on Thursday declined to say whether his bureau was investigating possible impropriety at the Clinton Foundation and whether the nonprofit group had undue influence at the State Department.

"I'm not going to comment on the existence or nonexistence of any other ongoing investigations," Director James Comey told the House Oversight Committee when asked whether the FBI had looked into the foundation as part of its probe into Hillary Clinton and the private email server she used as secretary of State.

Comey also refused to answer a followup question from Chairman Jason Chaffetz (R-Utah) about whether the Clinton Foundation was "tied into" the Clinton investigation.

The comments stoked speculation about a possible ongoing probe connected to the charitable organization, even after the Justice Department on Wednesday abandoned the possibility of charges against Clinton, now the presumptive Democratic presidential nominee, for mishandling classified information.

Speaking on Bloomberg's "With All Due Respect" later Thursday, Clinton spokesman Brian Fallon said that "a no comment in that situation doesn't tell you anything."

"I personally have no knowledge to that effect and as someone who used to work at the Justice Department the normal practice is to not answer that question one way or another," Fallon said.

The bureau has been reported to be pursuing an investigation related to the foundation, though it has never officially acknowledged it.

Citing anonymous intelligence officials, Fox News reported earlier this year that investigators were examining whether public corruption laws were violated by the intersection of Clinton's work as the former secretary of State and that of the foundation.

—Updated at 5:53 p.m. Ben Kamisar contributed.

FBI Chief Fends Off Republican Attacks On His Clinton Decision

By Chris Strohm

Bloomberg Politics, July 7, 2016

FBI Director James Comey forcefully defended his recommendation against criminal charges for Hillary Clinton during almost five hours of sharp questioning from lawmakers, as Republicans vowed to investigate whether she lied to Congress.

Comey was repeatedly challenged by a House panel Thursday about why no charges will be brought even though an investigation uncovered details that appeared to contradict Clinton's past statements about her use of private e-mail as secretary of state. He parried questions about whether the presumptive Democratic presidential nominee lied to the FBI, how the bureau's probe was conducted and even whether he was part of a bribery scheme to avert charges.

"We went at this very hard to see if we could make a case," Comey told the hastily summoned session of the House Oversight and Government Reform Committee. "The appropriate resolution of this case was not to bring a criminal prosecution."

Comey's testimony marked the latest turn in a dispute that continues to cast a pall over Clinton's presidential campaign. While embracing the FBI director's criticism of Clinton and her aides for what he's called the "careless" handling of sensitive official information, Republicans have moved on many fronts to challenge his July 5 recommendation against seeking charges.False Statements

Even though the hearing failed to yield any major revelations, Republicans succeeded in getting Comey to say that some statements made by Clinton turned out to be false. He even acknowledged that she may not be as "competent" as people might assume, at least in using modern technology.

Comey refused to budge on his decision to recommend against criminal charges, saying there's no evidence that Clinton or her aides intentionally violated laws governing the protection of classified information and that there's virtually no precedent for bringing a prosecution in such a case.

"We did not find evidence sufficient to establish that she knew she was sending classified information," Comey said.

Comey also said there was no evidence that Clinton lied to the Federal Bureau of Investigation. But he said he would pursue a request that Republican lawmakers promised to send him to investigate whether Clinton lied to Congress. She discussed her use of a private e-mail server during 11 hours of testimony in October before a House committee investigating the deadly 2012 attacks on U.S. outposts in Benghazi, Libya.'Average Joe'

Republicans contended that the FBI appeared to have a double standard when it comes to probing Clinton compared to other cases involving the mishandling of classified material.

"It seems to a lot of us that the average Joe, the average American, that if they had done what you laid out in your statement that they'd be in handcuffs and they might be on their way to jail and they probably should," said Utah Representative Jason Chaffetz, the Republican chairman of the committee. There are two standards, he said, with different treatment "if your name isn't Clinton or you're not part of the powerful elite."

For a QuickTake Q&A on the e-mail dispute, click here.

Comey told the committee it's "not true" that a separate standard was applied to Clinton or that politics tainted the inquiry. The FBI chief – who has been a registered Republican in the past but said Thursday that's no longer the case – said the investigation was conducted by people who didn't "give a hoot about politics" and performed their work in "an apolitical and professional way."

Representative Elijah Cummings of Maryland, the panel's top Democrat, called the hearing politically motivated and another instance of Republicans using taxpayer funds to revisit an issue that's already been resolved.

After Comey's testimony, Clinton campaign spokesman Brian Fallon said it "clearly knocked down a number of false Republican talking points and reconciled apparent contradictions between his previous remarks and Hillary Clinton's public statements."

Comey announced July 5 that an almost yearlong investigation found Clinton and her staff at the State Department were "extremely careless in their handling of very sensitive, highly classified information." But he also said that "no reasonable prosecutor" would bring charges in the case, and Attorney General Loretta Lynch announced on Wednesday that no charges will "be brought against any individuals within the scope of the investigation."Gowdy's Questions

One of the sharpest exchanges during the hearing came when Republican Representative Trey Gowdy of South Carolina, a former prosecutor who heads the Benghazi inquiry, got Comey to acknowledge that some of the FBI's findings contradicted comments that Clinton has made publicly and in her congressional testimony.

The FBI director also sought to clear up an incident in which Clinton asked one of her aides to remove classified markings from a document so it could be sent to her through an unsecured fax machine. Republicans have seized on that issue as demonstrating that Clinton tried to skirt the law. Comey said it was his understanding that Clinton's intention was to remove all classified material from the document so that it no longer needed special protection.Hacking Efforts

Comey said unsuccessful attempts were made to break into Clinton's e-mail system. He declined to say where the hackers originated but said the attempts weren't limited to criminal activity, suggesting that they came from other governments for the purpose of espionage.

Comey added that the private e-mail server used by Clinton was even less secure than a popular free e-mail service, saying Google's "Gmail has full-time security."

The FBI found that of the more than 30,000 e-mails turned over by Clinton, some 110 e-mails spanning 52 chains contained information that was classified at the time it was sent. Of those chains, eight contained information classified at the Top Secret level.

Comey said in announcing his findings that the bureau also discovered "several thousand" work-related e-mails that weren't turned over by Clinton's lawyers.

In another sign that Republicans intend to keep the e-mail controversy alive, Donald Trump, the presumptive Republican presidential nominee, sent out a fundraising e-mail while Comey was testifying.

"FBI Director James Comey has let her off the hook," according to the e-mail. "This is a disgusting example of just how badly the career politicians have rigged the system."Trump Accusations

Earlier, Trump had called the end of the FBI investigation a form of bribery. He said Lynch let Clinton off the hook in a deal to keep her job as attorney general if the Democrat wins the November election.

Among other Republicans, House Speaker Paul Ryan has said Clinton should be denied the national security briefings that presidential nominees normally receive and he hasn't ruled out seeking a special prosecutor to investigate further.

Senate Majority Leader Mitch McConnell has demanded public release of Clinton's interview with the FBI. The Republican National Committee said it has filed a Freedom of Information Act request for the several thousand previously undisclosed work-related e-mails that Comey said the FBI found.

FBI Director Says Guccifer Lied About Hacking Hillary Clinton's Email

Daily Dot, July 7, 2016

The Romanian hacker known as Guccifer admitted to the FBI that he lied to the public when he said he repeatedly hacking into Hillary Clinton's email server in 2013.

Guccifer, real name Marcel Lehel Lazar, told Fox News and NBC News in May 2016 about his alleged hacking. Despite offering no proof, the claim caused a huge stir, including making headline news on some of America's biggest publications.

FBI Director James Comey testified under oath before Congress on Thursday that Guccifer never hacked into Clinton's servers and in fact admitted that he lied.

Following his extradition from Romania, Lazar is now in custody in Alexandria, Virginia, awaiting trial for hacking charges. He's most famous for hacking former President George W. Bush and releasing Bush's paintings.

Mainstream American media took Lazar's word and plastered it across their most prominent outlets. The Daily Dot, along with numerous other security journalists, expressed grave doubt about the claims.

Fox News

The testimony came while Comey was being questioned before the House Committee on Oversight and Government Reform

about his recent decision to not recommend criminal charges against former Secretary of State Clinton

, now the presumptive Democratic nominee, or her staff for their use of a private email set-up and handling of classified material during Clinton's tenure at the State Department.

That hearing was often contentious and confrontational.

Guccifer was brought up as a possible breach of security of Clinton's email servers. Comey was not able to say definitively whether foreign governments hacked into those servers and accessed classified materials. He did, however, say that sophisticated hacking attempts against the server were made.

Guccifer's tale appears to be a lie, however, that was promptly and largely uncritically promoted by American media on the wave of the 2016 presidential election.

Correction: Lazar is currently being imprisoned in Alexandria, Virginia, following his extradition from Romania. We regret the error.

FBI Director: Petraeus Did Not Hide Papers In Insulation

By Deb Riechmann

Associated Press, July 7, 2016

WASHINGTON (AP) – Even the nation's top cop can get things wrong.

FBI Director James Comey stirred interest Thursday when he said former CIA Director David Petraeus hid materials in attic insulation while the agency pursued its case about his mishandling of classified information.

Later, during his testimony on Hillary Clinton's email server, Comey said his staff told him he had misspoken.

Comey said his staff told him that Petraeus didn't hide materials in his attic insulation, but that investigators found classified material in an unlocked drawer of a desk in a ground-floor study.

Comey made the disclosure to argue the point that the case of Petraeus, who knew he had top secret information and lied to the FBI about it, differed from the investigation into Hillary Clinton's handling of classified information.

Comey did not recommend charges against Clinton, the presumptive Democratic candidate for president, over her personal email server while she was secretary of state. He said his team found no evidence that she lied under oath or broke the law by discussing classified information in an unclassified setting.

In contrast, Petraeus pleaded guilty last year to knowingly sharing binders of classified information with his biographer, a woman with whom he was having a sexual relationship. The Justice Department made clear that the retired Army general knew the material was top secret when he divulged it and had lied to the FBI about it.

"The Petraeus case, to my mind, illustrates perfectly the kind of cases the Department of Justice is willing to prosecute. Even there, they prosecuted him for a misdemeanor," Comey told the House Oversight and Government Reform Committee.

"In that case, you had vast quantities of highly classified information ... not only shared with someone without authority to have it, but we found it in a search warrant hidden under the insulation in his attic and then he lied to us about it during the investigation," Comey said.

"So you have obstruction of justice, you have intentional misconduct and a vast quantity of information. He admitted he knew that was the wrong thing to do. That is a perfect illustration of the kind of cases that get prosecuted. In my mind, it illustrates importantly the distinction to this case."

Prosecutors said that while his biographer, Paula Broadwell, was writing her book in 2011, Petraeus gave her eight binders of classified material he had improperly kept from his time as the top military commander in Afghanistan. Days later, he took the binders back to his house.

Among the secret information contained in the "black books" were the names of covert operatives, the coalition war strategy and notes about Petraeus' discussions with President Barack Obama and the National Security Council, prosecutors said.

Those binders were later seized by the FBI in an April 2013 search of Petraeus' Arlington, Virginia, home, where he had kept them in the unlocked drawer of a desk in a ground-floor study.

Prosecutors said that after resigning from the CIA in November 2012, Petraeus had signed a form falsely attesting he had no classified material. He also lied to FBI agents by denying he supplied the information to Broadwell, according to court documents.

According to a search and seizure warrant issued in the case, Petraeus told Broadwell in an email that some of the material was in "boxes and I'll get them out when we unpack at the house in late July/Aug." Investigators found a recorded conversation in which Broadwell tells an unidentified individual she was interviewing that she would be going to Washington to meet with Petraeus to go through boxes in "his attic."

In another email, Petraeus told Broadwell that the black books were "in a rucksack up there somewhere."

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House Republicans Grill FBI Director Comey On Clinton Emails

By Matt Zapotosky

Washington Post, July 7, 2016

Republican legislators on Thursday launched a new bid to scrutinize Hillary Clinton for her use of a private email server while she was secretary of state, questioning the FBI director for nearly five hours about how — after a year-long investigation that found Clinton's setup to be problematic — he came to believe the matter should be closed with no charges.

The hearing before the House Oversight and Government Reform Committee previews what is likely to be a months-long effort to call the presumptive Democratic presidential nominee's credibility and judgment into question, using the email investigation as a vessel.

Republicans asked FBI Director James B. Comey repeatedly how Clinton's public statements differed from his investigators' findings, how Comey could consider Clinton "careless" but not criminal, and whether Clinton was being given a pass because of who she is. Their message in their inquiries was clear: Clinton should have been charged, and if that was no longer a possibility, she should face some other repercussions.

"We're mystified and confused by the fact pattern that you laid out and the conclusions that you reached," Committee Chairman Jason Chaffetz (R-Utah) told Comey. "It seems that there are two standards, and there's no consequence for these types of activities and dealing in a careless way with classified information. It seems to a lot of us that the Average Joe, the average American, that if they had done what you laid out in your statement, that they'd be in handcuffs."

U.S. Attorney General Loretta E. Lynch is scheduled to appear Tuesday before the House Judiciary Committee, where she is likely to face similar inquiries.

Even under withering questioning from House Republicans, Comey asserted unequivocally that it would have been unfair and virtually unprecedented to bring a criminal case against Clinton under current laws.

"As a non-lawyer, as a non-investigator, it would appear to me you have got a hell of a case," an exasperated Rep. Earl L. "Buddy" Carter (R-Ga.) told Comey.

"I'm telling you we don't, and I hope people take the time to understand why," Comey responded.

Clinton campaign spokesman Brian Fallon said in a statement that Comey's testimony "clearly knocked down a number of false Republican talking points."

"The Director's explanations shut the door on any remaining conspiracy theories once and for all," Fallon said. "While Republicans may try to keep this issue alive, this hearing proved those efforts will only backfire."

Comey did potentially give Clinton's political rivals some ammunition, conceding there was "evidence of mishandling" classified information and that an FBI employee who did the same "would face consequences for this." He also notably asserted he was "not going to comment on the existence or nonexistence of any other investigations," when asked if investigators had looked at the Clinton Foundation.

But Comey said he believed Clinton was "extremely careless; I think she was negligent," but investigators did not find evidence that Clinton intended to do wrong with her email setup. He said they also determined it would have been inappropriate to charge her under a statute allowing for a prosecution based on "gross negligence."

"You know what would be a double standard?" Comey said. "If she were prosecuted for gross negligence."

Republicans argued that Clinton knew she was skirting the rules, and late in the hearing, Chaffetz pointed to a 2011 email in which Clinton told an aide to turn a fax "into nonpaper w no identifying heading and send nonsecure." The aide had been having trouble getting the document in Clinton's hands.

Comey said Clinton claimed to FBI agents that she was intending to instruct the aide to "make it into a non-classified document." He said he believed Clinton asked for the header to be removed because it would have no longer been necessary, if the document was no longer classified.

"You are very generous in your accepting of that," Chaffetz responded.

Republicans also questioned aggressively how Comey could conclude that no charges should be brought if Comey felt Clinton was careless. In recent days, many have pointed to a section of the Espionage Act that allows for prosecutions of those who, through "gross negligence," let classified information "be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed."

Comey said investigators examined that charge for Clinton and her staffers but found that a prosecution would have been virtually unparalleled. Federal authorities had brought one such case in nearly a century, and the circumstances were drastically different.

"No reasonable prosecutor would bring the second case in 100 years based on gross negligence," Comey said.

Experts said the case to which Comey was referring is likely that of James Smith, an FBI agent who was accused in 2003 of having a sexual relationship with an informant who turned out to be a Chinese spy. Smith ultimately pleaded guilty to a charge of making a false statement, not a count under the Espionage Act.

Congressional Republicans also probed Thursday whether the FBI was concerned with Clinton's prior congressional testimony that no emails marked classified ever traversed her private system, given that Comey previously rebutted that claim. Comey clarified at the hearing that investigators found three such emails with the notation "(C)" — meaning confidential — contained within the text and said it was "possible she didn't understand what a 'C' meant when she saw it in the body of an email like that."

Chaffetz asked if the FBI had investigated specifically Clinton's previous statements, which were in his view false, to Congress. Comey said to open a criminal investigation, he would need a referral from Congress.

"You'll have one; you'll have one in the next few hours," Chaffetz said.

While Comey confirmed Clinton did not lie to bureau investigators, he said he was "not qualified to answer" whether she had lied to the public.

"I really don't want to get in the business of trying to parse and judge her public statements," he said.

The much-anticipated appearance came just a day after the Justice Department formally closed its probe involving the presumptive Democratic presidential nominee and two days after Comey announced his controversial recommendation. Republican legislators have been waging an aggressive campaign to solicit more information from Comey, and the FBI director said he welcomed the opportunity to explain his decision-making to the American public. That, he said, is why he decided to announce his recommendation not to charge Clinton on Tuesday without consulting anyone at the Justice Department first.

"What I decided to do was offer transparency to the American people about the whys of that, because I thought that was very, very important for their confidence in the system of justice," Comey said.

Comey has said previously that investigators looked at other cases involving classified information and could not find one that would support charges in the Clinton matter. He specifically addressed on Thursday the bureau's investigation of the former CIA director, Gen. David H. Petraeus, distinguishing it from the Clinton email probe in no uncertain terms. He said Petraeus — unlike Clinton — lied to the FBI, and investigators found classified material in his desk.

"Clearly intentional conduct," Comey said of Petraeus. "Knew what he was doing was a violation of the law."

But Comey also said if an FBI agent were found to have been careless with classified information, that could result in a loss of security clearance, suspension or even termination. He declined to say precisely what consequence he felt Clinton should face.

"One of my employees would not be prosecuted for this," he said. "They would face consequences for this."

Comey said investigators had found no evidence that Clinton's private server had been hacked, though others with whom she corresponded had. He explicitly batted down claims by the Romanian hacker Marcel Lehel Lazar — whose cyber-mischief revealed that Hillary Clinton was using a private email address — that he had gotten into Clinton's account.

"He admitted that was a lie," Comey said.

Comey has been the public face of the Clinton investigation, even eclipsing his boss, Lynch. Late last week, Lynch announced she would accept the recommendation of career prosecutors and FBI agents to assuage questions about the investigation's integrity, concerns that were intensified after Lynch met privately with former president Bill Clinton aboard her plane in Phoenix. Lynch and Clinton have asserted the meeting was a chance, social encounter at which no pending cases were discussed, and Lynch has said she planned to accept career employees' recommendation even before it occurred.

On Wednesday, she announced in a brief statement that she was accepting the recommendation of Comey and others and closing the probe involving Clinton.

"Late this afternoon, I met with FBI Director James Comey and career prosecutors and agents who conducted the investigation of Secretary Hillary Clinton's use of a personal email system during her time as Secretary of State," Lynch said in a statement. "I received and accepted their unanimous recommendation that the thorough, year-long investigation be closed and that no charges be brought against any individuals within the scope of the investigation."

A previous version of this story said Comey testified that investigators found classified materials in the attic of former CIA director David Petraeus. Comey later corrected himself, saying the materials were found in a desk.

The Legend Of Jim Comey

His political actions spared Clinton and protected his own job.

Wall Street Journal, July 7, 2016

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

What Hillary Clinton Needs To Do Now: Our View

By The Editorial Board

USA Today, July 7, 2016

Ever since his announcement Tuesday about the Hillary Clinton email investigation, FBI Director James Comey has been taking flak from both sides. Republicans are criticizing his decision not to recommend that Clinton be indicted. And Democrats, to a lesser degree, are questioning the appropriateness of his "editorializing" about someone who's not being prosecuted.

This is probably a good indication that Comey got things about right.

At a 4½-hour congressional hearing Thursday, the FBI director made a strong case for why prosecuting Clinton would have held her to a higher standard than previous officials in similar situations. But he also repeated his assertions that her behavior was extremely careless.

Republicans would be wise to focus their fire on Clinton and drop the attacks on Comey, a highly respected official whose statement Tuesday provides ample ammunition for attacks on the presumptive Democratic presidential nominee.

Thanks to their crassly political hearings into the Benghazi tragedy, Republicans already have a reputation for using their oversight powers to score points. By pressing ahead against Comey, they risk making Clinton's email transgressions seem just another political vendetta.

As for the Democrats who say Comey overstepped his authority, they, too, should cool their jets. There is, to be sure, good reason why prosecutors normally present their cases to judges and juries and not to the general public. They have too much power — in the form of subpoenas, wiretaps and the like — to make accusations outside of a court of law. But an unusual amount of transparency may well be needed in the Clinton case to preserve the public's confidence in the integrity of the FBI and its investigation.

The one person who needs to do more, and not less, is Clinton herself. The FBI investigation raises legitimate questions about her judgment, truthfulness and penchant for secrecy.

No, she should not be denied periodic national security briefings afforded to the presidential nominees of major parties. Such a move, which many Republicans (including House Speaker Paul Ryan) are calling for, would only harm the nation's security by ensuring that a potential 45th president would come into office insufficiently informed.

But she should hold a news conference — her first in three months — to address all the questions raised by Comey's findings, particularly the areas where her previous statements have been shown to be, to use a term from the Nixon administration, inoperative.

These include Clinton's assertions that nothing she sent was classified at the time it was sent, that none of the emails was marked as classified, that she turned over all her work-related emails to the FBI, that national security was not endangered, and that her lawyers carefully read through the emails before deleting those determined to be private.

While she's at it, she should call on the FBI to release its summary, known as a section 302 report, of her interview with investigators last Saturday. And she should explain what she has learned from the email fiasco and, if she were to be elected, what steps her administration would take to demonstrate a commitment to open and transparent government.

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Comey has done the nation a service in providing a thorough, impartial review of Clinton's email practices. At a time of low confidence in government institutions, that professionalism deserves praise, not pillory.

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House Republicans Cravenly Turn On James Comey

By Eugene Robinson

Washington Post, July 7, 2016

Next to the word "overreach" in the dictionary should be a group picture of the House Republican caucus. Once again, in their Ahab-like pursuit of Hillary Clinton, they have managed to make themselves look desperately partisan and woefully incompetent.

What were they thinking when they hauled FBI Director James B. Comey to Capitol Hill to challenge his decision about Clinton and her emails? Did they expect Comey, a very tough nut, to crack under their withering interrogation? Did they believe they could somehow make him change his mind? Did they not anticipate that he would stand by his decision and back it up with facts, precedent and logic?

Thursday's hearing — called on an "emergency" basis, no less — was effectively over just minutes after it began. House Oversight Committee Chairman Jason Chaffetz (R-Utah) asked Comey the bottom-line question: "Did Hillary Clinton break the law?"

Comey's reply: "In connection with her use of the email server? My judgment is that she did not."

At that point, Chaffetz should just have thanked the witness, pounded his gavel and sent everyone home. Instead, Republicans went on at length in a vain attempt to challenge Comey's knowledge of the law and his personal integrity. In the end, he suffered not a dent, not a nick, not even a scratch.

The GOP's theory of the case is basically that Clinton committed acts that would have led to prosecution if she had been anyone else. But because she is the presumptive Democratic presidential nominee or because she is a Clinton or because she is an "elite" or for some other reason, this theory goes, she was given a pass.

Comey patiently explained that this view was wrong. Quite the opposite, he said: Deciding to recommend charges would have constituted special treatment.

The key question was intent: Comey said the FBI could not find evidence that Clinton intended to do anything illegal. A low-ranking government employee who handled classified information in the same "careless" manner might well be subject to administrative sanction, including firing. But that "John Doe" employee would not be prosecuted; and if he or she had already left government service, the case would simply be dropped.

Much was made of a federal statute that would seem to allow charges in the case of "gross negligence" on Clinton's behalf. But Comey said that the law in question, passed in 1917, has been used by federal prosecutors only once in 99 years. There are questions, he said, about the statute's constitutionality.

Comey did not budge from his view that no "reasonable prosecutor" would seek to bring charges against Clinton given the facts of the case. He said the decision to recommend against prosecution was unanimous among the FBI investigators involved, adding that no one outside of the bureau knew of this decision until he announced it Tuesday.

The hearing was a pretty sorry spectacle. Comey's would-be inquisitors could not come out and call him a compliant Democratic toady because clearly he is nothing of the sort. Comey served as deputy attorney general in the George W. Bush administration. As is proper for someone who occupies the office of FBI director, overseeing an agency he described as "resolutely apolitical," he is not now registered as a member of any party. But for most of his adult life, he testified, he was a loyal Republican.

How embarrassing did the hearing get? Some Republicans on the committee, fancying themselves junior G-men, demanded to know the specific questions FBI agents asked Clinton when they interviewed her. Others sought to parse the language of various federal statutes, perhaps hoping to make Comey break down and cry, "Okay, you got me there." Spoiler alert: He didn't.

Toward the end, Rep. Mark Walker (R-N.C.) felt obliged to ask Comey, "Do you feel like this has been a Republican witch hunt?" Comey politely said no.

I disagree. It was obviously just that, a partisan attempt to wring another news cycle's worth of headlines out of a "scandal" whose dying embers were being definitively snuffed out. I doubt those headlines will be the ones they were hoping for.

I'm certain that some Republicans sincerely believe that Bill and Hillary Clinton are the greatest master criminals of our time. But an unimpeachable authority figure and a team of FBI investigators have decided that Hillary Clinton's handling of her emails — which, as I have written, was wrong — was not a crime. Deciding otherwise, Comey said, would be "celebrity hunting."

Which is what Republicans tried to do at Thursday's hearing. But they came home red-faced and empty-handed.

Comey: A Theory

By Charles Krauthammer

Washington Post, July 7, 2016

Why did he do it? FBI Director James Comey spent 14 minutes laying out an unassailable case for prosecuting Hillary Clinton for the mishandling of classified material. Then at literally the last minute, he recommended against prosecution.

This is baffling. Under the statute (18 U.S.C. section 793(f)), it's a felony to mishandle classified information either intentionally or "through gross negligence." The evidence, as outlined by Comey, is overwhelming.

Clinton either sent or received 110 emails in 52 chains containing material that was classified at the time. Eight of these chains contained information that was top secret. A few of the classified emails were so marked, contrary to Clinton's assertion that there were none.

These were stored on a home server that was even less secure than a normal Gmail account. Her communications were quite possibly compromised by hostile powers, thus jeopardizing American national security.

"An unclassified system was no place for that conversation," said Comey of the classified emails. A rather kind euphemism, using the passive voice. In plainer, more direct language: It is imprudent, improper and indeed illegal to be conducting such business on an unsecured private server.

Comey summed up Clinton's behavior as "extremely careless." How is that not gross negligence?

Yet Comey let her off the hook, citing lack of intent. But negligence doesn't require intent. Compromising national secrets is such a grave offense that it requires either intent or negligence.

Lack of intent is, therefore, no defense. But one can question that claim as well. Yes, it is safe to assume that there was no malicious intent to injure the nation. But Clinton clearly intended to set up an unsecured private server. She clearly intended to send those classified emails. She clearly received warnings from her own department about the dangers of using a private email account.

She meant to do what she did. And she did it. Intentionally.

That's two grounds for prosecution, one requiring no intent whatsoever. Yet Comey claims that no reasonable prosecutor would bring such a case. Nor has one ever been brought.

Not so. Just last year, the Justice Department successfully prosecuted naval reservist Bryan Nishimura, who improperly downloaded classified material to his personal, unclassified electronic devices.

The government admitted that there was no evidence that Nishimura intended to distribute the material to others. Nonetheless, he was sentenced to two years of probation, fined and forever prohibited from seeking a security clearance, which effectively kills any chance of working in national security.

So why not Hillary Clinton? The usual answer is that the Clintons are treated by a different standard. Only little people pay. They are too well-connected, too well-protected to be treated like everybody else.

Alternatively, the explanation lies with Comey: He gave in to implicit political pressure, the desire to please those in power.

Certainly plausible, but given Comey's reputation for probity and given that he holds a 10-year appointment, I'd suggest a third line of reasoning.

When Chief Justice John Roberts used a tortured, logic-defying argument to uphold Obamacare, he was subjected to similar accusations of bad faith. My view was that, as guardian of the Supreme Court's public standing, he thought the issue too momentous — and the implications for the country too large — to hinge on a decision of the court. Especially after Bush v. Gore, Roberts wanted to keep the court from overturning the political branches on so monumental a piece of social legislation.

I would suggest that Comey's thinking, whether conscious or not, was similar: He did not want the FBI director to end up as the arbiter of the 2016 presidential election. If Clinton were not a presumptive presidential nominee but simply a retired secretary of state, he might well have made a different recommendation.

Prosecuting under current circumstances would have upended and redirected an already year-long presidential selection process. In my view, Comey didn't want to be remembered as the man who irreversibly altered the course of American political history.

And with no guarantee that the prosecution would succeed, moreover. Imagine that scenario: You knock out of the race the most likely next president — and she ultimately gets acquitted! Imagine how Comey goes down in history under those circumstances.

I admit I'm giving Comey the benefit of the doubt. But the best way I can reconcile his reputation for integrity with the grating illogic of his Clinton decision is by presuming that he didn't want to make history.

I don't endorse his decision. (Nor did I Roberts'.) But I think I understand it.

Comey Ran True To Form

The FBI director let Hillary Clinton off, making the safe call—no big surprise there.

By Kimberley A. Strassel

Wall Street Journal, July 7, 2016

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

I'm A Lawyer Specializing In Security Clearance Cases. Hillary Clinton Got Off Easy.

By John V. Berry

Washington Post, July 7, 2016

John V. Berry is a Virginia lawyer who specializes in cases involving security clearances.

My legal practice involves representing clients denied or at risk of losing their security clearances. Facing the same set of facts outlined by FBI Director James B. Comey about Hillary Clinton and her aides, my less-well-known clients — whether an entry-level government contractor or a GS-14 federal employee — would be in serious jeopardy of losing their security clearances. In fact, I cannot foresee a situation in which an ordinary employee facing such allegations would be able to keep a security clearance with the types of concerns raised in the FBI findings.

I write this as a political centrist who tends to like Clinton as a candidate — but who is also frustrated by a lack of consistency in the security clearance process and a bias in favor of the well-connected. It is a problem that runs across the political spectrum and is not a Democratic or Republican issue, but rather a "who you are and who you know" issue.

The higher-profile the individual, the less likelihood, in most circumstances, of sanctions relating to security issues. In short, current security clearance policy factors in the importance of an individual in deciding whether to revoke a security clearance. Basically, lower-profile individuals get treated differently than those at the top of the political food chain facing the same concerns. Perhaps this is human nature, but it is wrong and should be fixed.

Clinton's use of a personal server for classified government email, without appropriate approvals and security, would normally be treated as a serious security violation. Another security violation would be the storage and transmission of classified materials using personal (nongovernmental) means off site. Everyone involved in the setting up of the server, the transmission or storage of such information or knowledge of same would have had separate security obligations to follow regarding the rules for protecting classified information. Finally, providing classified information to defense lawyers who are not cleared to review such documents (as was alleged to have occurred) could also constitute a security violation for a regular employee.

Normally, the types of security concerns listed above would be considered significant clearance violations under Guideline K (Handling Protection Information) and Guideline M (Use of Information Technology Systems) of the rules governing security clearances as referenced in State Department regulations.

Consider the government contractor who comes to my office to see me based on allegations that she accidentally took home a personal hard drive containing low-level classified information. Even if the information at issue was not important, it is not uncommon for such an individual to lose her security clearance, be placed on leave and then terminated. This outcome varies, based on the facts of an individual case, but the risk is significant. Other common clearance cases involve government contractors or federal employees who accidentally email classified information to their homes and then face the serious risk of losing their security clearances.

Essentially, these individuals — and I have seen many over the years — go from a job making $150,000 a year to trying to find any job that will take them. Most of these individuals have spent their entire careers in cleared positions, so they have little transferrable experience when they lose their clearance, which leads to the end of their existing career.

Another problem is that there is no single agency that oversees the security clearance process for all individuals. Instead, because each federal agency adjudicates its own security clearances, there can be significant disparity in outcomes between agencies. Security concerns at one agency, say, the Defense Department, may be resolved favorably and a person granted clearance, but the same person presenting the same security concerns may be denied clearance at the FBI. Having so many agencies with duplicative processes also opens the door for more manipulation of individual outcomes.

Security clearances are ultimately governed by presidential executive order, which means that a president can decide who does and doesn't get a security clearance, and can change the rules. Thus, as a practical matter, a President Clinton would not face a problem obtaining access to classified information, and she could overrule any recommendations denying clearances to her trusted aides. The real issue is fairness. Either we treat everybody the same with respect to classified information or we do not. The next president should overhaul the system so that there is consistency for all clearance holders, whatever their station in life.

Comey Might Have Gone Too Far: Alan Dershowitz

By Alan Dershowitz
USA Today, July 7, 2016

FBI Director James Comey was correct in his conclusion that no reasonable prosecutor would indict Hillary Clinton based on the evidence. But he raised troubling questions by going beyond that conclusion and expressing his opinion that Clinton had been "extremely careless" in her handling of sensitive material.

It is not generally the job of an FBI director to describe and assess the evidence in a public statement. Nor is it the job of an FBI director to make delicate judgment calls as to whether a prosecution should be brought. That discretionary decision is usually left to experienced prosecutors.

It is true, of course, that Comey is an experienced prosecutor who served both as a U.S. attorney and as a deputy attorney general. In that capacity, he made many discretionary decisions as to whether or not to prosecute.

But in his current role as FBI director, he is simply supposed to investigate the facts and make a recommendation. In this case, his recommendation was, in effect, a final decision, because Attorney General Loretta Lynch had previously announced that she would accept the conclusion of the FBI.

Because of Comey's superb reputation as a lawyer of great integrity, there have been few complaints about the possibility that he might have exceeded his authority. But we must never forget that the original head of the FBI, J. Edgar Hoover, abused his authority repeatedly. We would not want another Hoover to be making these kinds of decisions.

Laws are not written to protect us from the best government officials such as Comey, but rather from the worst government officials, such as Hoover. It is fair to ask the question whether Comey might have established a dangerous precedent by his decision to go beyond the usual role of an investigator and to exercise unchecked power.

Placing the responsibility to investigate the facts, to apply the law, to engage in discretion and to characterize the evidence in one person, regardless of whom that person may be, could pose dangers to our system of checks and balances.

Alan Dershowitz is Felix Frankfurter Professor of Law, Emeritus, at Harvard Law School and author of Taking the Stand: My Life in the Law.

FBI Director James Comey: Hillary Clinton Wasn't Held To A Different Standard Over Emails

By Marisa Taylor And Tim Johnson
McClatchy, July 7, 2016

FBI Director James Comey hands Hillary Clinton's political foes new ammunition on her mishandling of classified material, even as he defends his conclusion that the Democratic presidential candidate didn't violate the law.

FBI Director James Comey handed Hillary Clinton's political foes new ammunition Thursday on her mishandling of classified material, even as he defended his conclusion that the Democratic presidential candidate didn't violate the law.

Under intense questioning from Republicans in a nearly five-hour hearing, Comey said he had not been swayed by political considerations when he recommended Clinton should not be prosecuted for setting up a private email server when she was secretary of state.

Comey, however, acknowledged that several of Clinton's public statements about the arrangement weren't accurate, including her assertion under oath to Congress that she had neither sent nor received any items marked classified.

"That is not true," Comey said in a rapid-fire exchange with Republican Rep. Trey Gowdy of South Carolina. "There were a small number of portion markings."

Three emails were marked with a "(C)," which indicates material is confidential, the lowest level of classification, he testified.

Comey testified that her initial statement that she had not emailed classified material was also inaccurate.

The House Oversight and Government Reform Committee called Comey to testify only two days after he'd held a news conference to announce the bureau's recommendation in uncharacteristic detail.

As a result of the timing, Democrats slammed the hearing as political theatrics aimed only at hurting Clinton as a candidate.

"The director's explanations shut the door on any remaining conspiracy theories once and for all," said Clinton campaign spokesman Brian Fallon of Comey's testimony. "While Republicans may try to keep this issue alive, this hearing proved those efforts will only backfire."

Yet Comey used words to describe Clinton's behavior that have already been repeated in the GOP presidential campaign against her, among them that she and her staff had been "extremely careless" in how they handled classified material.

Rep. Jason Chaffetz, R-Utah, the committee's chairman, asked Comey whether Clinton had lied to those who interviewed her for three and a half hours last Saturday about the classified material she'd handled through an unauthorized server in the basement of her New York home.

"To the FBI?" Comey responded. "We have no basis to conclude that she lied to the FBI."

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Comey declined to answer directly when Chaffetz asked whether Clinton had done "anything wrong." Comey said declining to prosecute someone for mishandling classified information doesn't close the door on other administrative sanctions.

Chaffetz nonetheless vowed to send a criminal referral to the FBI that requests the bureau investigate whether she misled Congress.

Chaffetz added that he was "mystified, confused" by Comey's recommendation to not prosecute.

If ordinary citizens acted as Clinton did, "they'd be in handcuffs," Chaffetz said. "They'd be on the way to jail."

We have no basis to conclude that she lied to the FBI.

Director James Comey

The FBI found Clinton and her staffers should have known that an unclassified system was "no place" for their email conversations.

The bureau also concluded "hostile actors" could have gained access to the email accounts of Clinton associates whom she regularly contacted.

Comey, however, said Clinton's mishandling of classified material was not held to a different standard from that of lower-ranking military or civilian officials.

In fact, he testified that if he had recommended prosecution, he would have broken with nearly a century-long Justice Department tradition of not seeking criminal charges in cases of "gross negligence."

"So given that assessment of the facts, and my understanding of the law, my conclusion was and remains no reasonable prosecutor would bring this case," he said.

Comey also drew a sharp contrast between Clinton's case and that of former CIA Director David Petraeus, a war hero who pleaded guilty last year to a misdemeanor charge of giving classified material to his lover and biographer, Paula Broadwell of Charlotte, North Carolina.

In answer to questions from Rep. Elijah Cummings of Maryland, the ranking Democrat on the Republican-led House Oversight and Government Reform Committee, Comey confirmed that eight notebooks Petraeus had kept at his home included the identities of covert officers, U.S. intelligence capabilities and notes on discussions with the president.

"He knew what he was doing violated the law," Comey said of Petraeus, adding that the retired four-star general, revered for his service in Iraq and Afghanistan, was not charged with obstruction of justice despite lying about his actions.

While Clinton handled at least three emails with classified information, Comey suggested that she may not have understood the classified marking before paragraphs containing secret material.

"It's possible that she didn't understand what a 'C' meant in the body of an email," Comey said.

He added that the former first lady and former secretary of state might not have been as "technically sophisticated" as people assume and she did not have a computer in her office.

Comey said that all of Clinton's aides who saw her emails had security clearances. But he said people without security clearances had had access to the server itself in her basement.

Asked how many, Comey paused and said: "More than two, less than 10."

Comey initially brushed aside a hypothetical question about what would happen to an FBI agent were he or she to act as Clinton did and open classified material on an unsecured computer. But after hours of testimony, Comey did offer an answer: "They might get fired. They might be reprimanded. They might be suspended for 30 days."

Comey also hinted that attempts to hack into Clinton's server included groups more powerful than simple hackers, suggesting possible foreign government involvement.

"There were unsuccessful attempts. I don't know the number off the top of my head. . . . It was not limited to criminal activity," Comey said.

In a direct response to Republican presidential candidate Donald Trump's accusations that the decision had been "rigged," Comey — a former Republican appointee— dismissed political agendas. In fact, he testified he had kept Tuesday's announcement secret even from Attorney General Loretta Lynch, who officially closed the case against Clinton on Wednesday. He added that he had conferred with career FBI agents who agreed with his assessment.

"I want the American people to know we did this the right way," he said. "We didn't carry political water for anybody."

FBI's Comey: Hillary Clinton Not "Sophisticated Enough" To Understand Classified Markings

By Stephen Dinan

Washington Times, July 7, 2016

FBI Director James Comey said Thursday that former Secretary of State Hillary Clinton may not have been "sophisticated enough" to understand the classified markings on emails she sent and received, which explains why did didn't know she was breaking the letter of the law.

Under intense questioning from Republicans, Mr. Comey said Mrs. Clinton's public explanations of her behavior were not true. But he said his investigators couldn't find evidence that Mrs. Clinton intended to break the law, which he said is the key to making a criminal case.

"I know that frustrates people but that's the way the law is, that's the practice in the Department of Justice," Mr. Comey said.

Mr. Comey said there were three emails Mrs. Clinton sent or received that contained a "(C)" marking next to some paragraphs, which under U.S. rules means that information following was to be treated as classified.

The director said before he began the investigation, he would have assumed everyone with access to high levels of classified information would have known the importance of the (C) marking. But he said after talking with Mrs. Clinton, he's no longer sure "whether she was actually sophisticated enough to understand what a C in parentheses means."

"It's possible — possible — that she didn't understand what a C meant when she saw it in the body of an email like that," he said.

Democrats, though, called them "tiny, little" markings that Mrs. Clinton could easily have missed — something Mr. Comey said was indeed possible. And the State Department on Wednesday said those messages probably shouldn't have been marked classified anyway.

"Those markings were a human error. They didn't need to be there," department spokesman John Kirby told reporters.

Documents with secret information are supposed to be marked with a header saying they are classified, and none of the three emails with the (C) markings had that header information, Mr. Comey said. That meant they were not properly marked according to the rules, he said.

Mrs. Clinton's campaign was closely following the testimony, and seized on that part of Mr. Comey's statement, calling it a "key development."

Mrs. Clinton's campaign also accused Reps. Jason Chaffetz and Trey Gowdy — the two Republicans who led off the questioning of Mr. Comey on Thursday — of being loose with their own handling of sensitive information. The Clinton campaign pointed to a news report that Mr. Chaffetz exposed sensitive information from the Homeland Security Department, and that Mr. Gowdy drew attention to the identity of a CIA operative.

Mr. Comey has become the key figure in questions about Mrs. Clinton's email behavior, after he laid out a weighty case against Mrs. Clinton this week, then said it was impossible to draw a criminal prosecution from that.

Democrats praised Mr. Comey for his findings, and blasted the GOP for demanding he testify in the first place.

"Today's hearing is political theater," said Rep. Gerry Connolly, Virginia Democrat.Please enable JavaScript to view the comments powered by Disqus.blog comments powered by

Comey Says That Some Clinton Email Statements Were 'Not True'

By By Seung Min Kim

Politico, July 7, 2016

FBI Director James Comey on Thursday acknowledged that some of Hillary Clinton's public statements about her use of a private email server as secretary of state were not truthful, as a top Republican said he would ask the agency to probe whether Clinton had previously lied to lawmakers under oath.

While Comey said that Clinton never lied to the FBI during its investigation of whether she mishandled classified information, during an extended exchange with Rep. Trey Gowdy (R-S.C.), Comey affirmed that the FBI's investigation found information marked classified on her server despite previous public statements from Clinton that she had neither sent nor received any items marked classified.

"That is not true," Comey said. "There were a small number of portion markings on, I think, three of the documents."

Asked whether Clinton's earlier testimony that she did not email "any classified material to anyone on my email" and "there is no classified material" was true, Comey responded, "There was classified material."

Meanwhile, the committee's chairman, Rep. Jason Chaffetz of Utah, told Comey that the FBI would get a referral from Congress "in the next few hours" asking the agency to investigate comments Clinton made under oath during previous congressional testimony.

Republicans also reiterated their belief that the Democratic candidate is held to a different standard, an assertion that Comey rejected. As he opened his testimony, Comey stressed he and FBI investigators conducted the probe "consistent with the highest traditions" of the agency.

And more than two hours into the hearing, Comey furiously rebutted notions that he may have coordinated with the White House and the Clinton campaign when he announced the results of his probe earlier this week – the same day Clinton and President Barack Obama campaigned together in North Carolina.

"The White House, the Department of Justice, nobody outside the FBI family had any idea what I was about to say," Comey told Rep. John Mica (R-Calif.), who had wondered what he would tell his constituents when they raise questions about the Clinton investigation. "I say that under oath, I stand by that. There was no coordination. There was an insinuation in what you were saying that."

Comey added: "I don't mean to get strong in responding, but I want to make sure I was definitive about that."

As he did in an extraordinary news conference earlier this week, Comey said he looked at whether Clinton and her aides intended to violate the law. The FBI director stressed that in nearly 100 years, the Justice Department has only once brought charges of "gross negligence" since a statute outlawing the practice passed in 1917 — and that, in his view, Clinton's case didn't merit that same conclusion.

"I believe this investigation was conducted consistent with the highest traditions of the FBI," Comey told the House Oversight and Government Reform Committee. "Our folks did it in an apolitical and professional way including our recommendation as to the appropriate resolution of this case."

As he did in an extraordinary news conference earlier this week, Comey said he looked at whether Clinton and her aides intended to violate the law. The FBI director stressed that in nearly 100 years, the Justice Department has only once brought charges of "gross negligence" since a statute outlawing the practice passed in 1917 — and that, in his view, Clinton's case didn't merit that same conclusion.

"No reasonable prosecutor would bring the second case in 100 years focused on gross negligence," Comey declared to lawmakers. "I know that's been a source of some confusion for folks. That's just the way it is. I know the Department of Justice, I know no reasonable prosecutor would bring this case."

In addition to underscoring the FBI's conclusion that the former secretary of state was "careless," Comey — on multiple occasions — floated the idea that Clinton may not have understood what classified markings on three of her emails meant. The mark is a "C" in parentheses.

Comey announced this week that the FBI would not recommend charges against Clinton, ending a lengthy investigation into whether the likely Democratic nominee and her aides at the State Department violated laws governing classified information.

He did, however, lay into Clinton and her staff with an extraordinary rebuke of their behavior at State. Noting that the FBI's probe found Clinton used multiple email servers and several devices, Comey called the former secretary of state's handling of sensitive and classified material "extremely careless."

Attorney General Loretta Lynch — whose private meeting with Bill Clinton last week triggered a political firestorm and questions of potential impropriety during an active investigation — announced Wednesday night that she would follow the FBI's recommendation and not bring charges against Hillary Clinton.

Since Comey's stunning news conference, Republican lawmakers have fought back with letters to the administration, Thursday's hastily called hearing and legislation that would yank Clinton's security clearance — making it clear the issue won't disappear for Clinton, at least in the political sphere.

"We're mystified and confused by the fact pattern you laid out and the conclusions you reached," Chaffetz told Comey in his opening remarks. "It seems there are two standards and there's no consequence for these types of activities in dealing in a careless way with classified information."

Chaffetz argued that if the "average Joe" handled classified material in the same way Clinton did, "they'd be in handcuffs." He pressed Comey on whether Clinton lied under oath, to the public, and whether another person who had engaged in the same behavior as Clinton would be granted a security clearance at the FBI.

Gowdy, who led the House's investigation into the Sept. 11, 2012, attacks in Benghazi, Libya, repeatedly grilled Comey on statements Clinton had made during the course of the probe into her email server — such as her statement that she had only one device and that she had turned over all work-related messages to federal investigators.

Comey refuted both during his news conference earlier this week, and he refuted them again before Gowdy and the rest of the committee.

"There's nothing to keep a future secretary of state or president from this exact same email scheme or their staff," a furious-sounding Gowdy told Comey. While a military official may be punished for similar mishandling of information, "if you are Hillary Clinton and you seek a promotion to commander in chief, you will not be."

Meanwhile, committee chairmen from both ends of the Capitol are investigating. And Speaker Paul Ryan (R-Wis.), who called for Clinton's clearance to be revoked almost immediately after Comey's announcement, made his request formal on Thursday in a letter to James Clapper, the director of national intelligence.

"If the FBI won't recommend action based on its findings, Congress will," said Sen. Cory Gardner (R-Colo.), who introduced Senate legislation with Senate Majority Whip John Cornyn (R-Texas) that would deny Clinton her security clearance. "At the very least, Secretary Clinton should not have access to classified information, and our bill makes sure of it."

Democrats are sure to go on the attack against Republicans, accusing the GOP of overreach. Before the hearing began, the Clinton campaign dismissed it as "another taxpayer-funded sham inquiry" and released past statements from Chaffetz and other top Republicans praising the respected FBI director.

The committee's top Democrat, Rep. Elijah Cummings of Maryland, told Comey: "I firmly believe your decision was not based on convenience but on conviction." And he pushed back against Republicans who have lashed out against Comey's decision.

"I want to make it clear that I condemn these completely unwarranted political attacks against you," Cummings told the FBI director. "They have attacked you personally, they have attacked your integrity, they have impugned your professionalism and they have somehow suggested you were bought and paid for."

But Republicans have defended their inquiries as a basic duty, particularly after questions raised following Comey's news conference.

"We'd be remiss if we didn't actually ask questions," Chaffetz said in a brief interview outside the Republican National Committee headquarters before the high-profile hearing. "Both sides get an equal opportunity to ferret out the truth."

Heather Caygle contributed to this report.

APNewsBreak: State Department Reopens Clinton Emails Probe

By Bradley Klapper

Associated Press, July 7, 2016

WASHINGTON (AP) – The State Department is reopening an internal investigation of possible mishandling of classified information by Hillary Clinton and top aides, officials told The Associated Press on Thursday.

Although the former secretary of state's closest confidants have left the agency, they could still face punishment. The most serious is the loss of security clearances, which could complicate her aides' hopes of securing top positions on her national security team if she becomes president.

The State Department started its review in January after declaring 22 emails from Clinton's private server to be "top secret." It was suspended in April so as not to interfere with the FBI's inquiry. State Department spokesman John Kirby said the probe is restarting after the Justice Department's announcement Wednesday that it won't bring any criminal charges.

"We will aim to be as expeditious as possible, but we will not put artificial deadlines on the process," Kirby said. "Our goal will be to be as transparent as possible about our results, while complying with our various legal obligations."

Kirby wouldn't say anything more about the precise information officials are evaluating. But when the probe was launched almost six months ago, officials said it pertained particularly to a set of emails that were upgraded to one of the nation's highest classification levels. One question they said they were investigating was whether any of the emails were classified at the time of transmission.

Additionally Thursday, Republican lawmakers said they would now ask the FBI to investigate whether Clinton lied to the committee. That announcement came in a testy hearing with FBI Director James Comey, who defended the government's decision not to prosecute Clinton over her private email setup.

Clinton was secretary of state until early 2013. Most of her top advisers left shortly thereafter.

But Kirby said this week former officials can still face punishment. Options range from counseling and warnings to the revocation of an individual's security clearance.

Beyond the Democratic front-runner, the probe is will most likely examine confidants Cheryl Mills, Jake Sullivan and Huma Abedin – who wrote many of the emails to their boss that the various investigations have focused on. Mills, Clinton's chief of staff at the State Department, has been viewed as a possibility for the same job in the White House. There is speculation that Sullivan, Clinton's former policy chief, could be national security adviser.

"There could be repercussions," Kirby told reporters Wednesday, saying infractions identified would be kept on file. If someone's security clearance is taken away, he said it would have an effect "assuming that individual still needed the clearance to work in another federal agency or something like that."

The State Department says it won't identify former officials that still hold security clearances. But in an email Fox News made public earlier this year, the department described Mills as still holding a valid clearance.

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State Department Reopens Clinton Emails Probe

By Greg Toppo
USA Today, July 7, 2016

The U.S. State Department is reopening an internal investigation of possible mishandling of classified information by Hillary Clinton and top aides.

"Given the Department of Justice has now made its announcement, the State Department intends to conduct its internal review," department spokesman John Kirby told USA TODAY.

Kirby said he couldn't provide specific information about the Department's review, "including what information we are evaluating. We will aim to be as expeditious as possible, but we will not put artificial deadlines on the process," he said. "Our goal will be to be as transparent as possible about our results, while complying with our various legal obligations."

The probe, begun in January, was suspended in April so as not to interfere with the FBI's inquiry.

Kirby told the Associated Press that former officials can still face "administrative sanctions." The most serious is loss of security clearances, which could complicate Clinton's naming of a national security team if she becomes president.

Beyond Clinton, the probe is most likely examining confidants Cheryl Mills, Jake Sullivan and Huma Abedin, AP reported. Abedin wrote many of the emails that the various investigations have focused on, AP noted. Mills, Clinton's chief of staff at the State Department, has been viewed as a possibility for the same job in the White House. There is speculation that Sullivan, Clinton's former policy chief, could be national security adviser.

Clinton was secretary of State until early 2013. Most of her top advisers left shortly thereafter.

FBI Director James Comey on Thursday, appearing before the House Oversight and Government Reform Committee, defended his decision not to recommend criminal charges against Clinton for her use of private email servers while secretary of State.

During more than four hours of questioning, Comey said the presumptive Democratic presidential nominee did not lie to FBI agents and did not break the law — and that the decision not to proceed with criminal charges was the unanimous assessment of a group of investigators and analysts whom the director described as an "all-star team'' assembled by the Justice Department.

"There is no way anybody would bring a case against John Doe or Hillary Clinton for the second time in 100 years based on those facts,'' Comey told lawmakers, referring to a review of past prosecutions.

Comey's appearance before the committee came two days after he announced his recommendation regarding Clinton and her aides, while also saying there was evidence there were "extremely careless" in their handling of classified information. Attorney General Loretta Lynch formally closed the inquiry Wednesday.

Contributing: Kevin Johnson, USA TODAY

State Department To Conduct Internal Probe Of Clinton Email Case

By Arshad Mohammed
Reuters, July 7, 2016

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

State Department Reopens Internal Review Of Clinton's Email Use

By Carol Morello
Washington Post, July 7, 2016

The State Department said late Thursday that it will reopen an internal review into any mishandling of classified information in emails between former secretary of state Hillary Clinton and her top aides now that the Justice Department has decided she will not be prosecuted.

One possible outcome of such internal reviews is that employees, even if they no longer work there, could face a range of disciplinary actions, from having notes placed in their employment files to losing their security clearances. If their security clearances are lifted, that could preclude their working for other government agencies.

The review is a resumption of a review the State Department announced in January, as it was still engaged in sorting through batches of 30,000 emails that had gone through a private server for Clinton's use, even though the emails were related to government business. It announced the review the same time it said 22 emails had been retroactively upgraded to Top Secret.

But the State Department paused its review in April, as the FBI conducted its own investigation.

State Department spokesman John Kirby said the decision to reopen the review was made after Attorney General Loretta E. Lynch said no charges would be brought against Clinton.

FBI Director James Comey said at a congressional hearing Thursday that his investigators found "evidence of mishandling" of classified information, though they found that neither Clinton nor her aides intended to do wrong and thus could not be charged with a crime. Of Clinton in particular, he said: "I think she was extremely careless. I think she was negligent."

Comey declined to say what penalty Clinton might face if a criminal charge wasn't appropriate — asserting that his investigation was focused on whether the misconduct that occurred constituted a violation of the law. But said if a bureau employee mishandled classified information, that person would face a review and could be reprimanded, suspended or even fired.

"They would face consequences for this," he said.

It is not clear how long the State Department review will take, and whether the results will be made public.

"I cannot provide specific information about the department's review, including what information we are evaluating," Kirby said. "We will aim to be as expeditious as possible, but we will not put artificial deadlines on the process. Our goal will be to be as transparent as possible about our results, while complying with our various legal obligations. I'm not able to make commitments today one way or the other about what we will be able to disclose."

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THE ATTORNEY GENERAL'S *NEWS BRIEFING*

PREPARED FOR THE OFFICE OF PUBLIC AFFAIRS, US DEPARTMENT OF JUSTICE BY BULLETIN INTELLIGENCE WWW.BULLETININTELLIGENCE.COM/JUSTICE

TO: **THE ATTORNEY GENERAL AND SENIOR STAFF**

DATE: **SATURDAY, JULY 9, 2016 7:30 AM EDT**

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CIVIL LAW:

Clinton Discusses Investigation Into Use Of Personal Email. CNN (7/8, Labott, Lee, 2.4M) reports Hillary Clinton reiterated on Friday that using a private email server was a "mistake" that she would "certainly not do again," following the State Department's reopening and the Justice Department's closing of their respective investigations. In an interview with Wolf Blitzer, she spoke about the State Department investigation, saying "I assume they will pursue whatever process they think is appropriate and I also assume that they will pay very close attention to what the findings were of the Justice Department investigation." CNN states the reopening was anticipated, since the State Department suspended its investigation pending completion of the Justice Department probe.

On CNN's Situation Room (7/8, 554K), Clinton said that she believed the FBI and Justice Department handled the investigation into her emails "very professionally" and conceded that "it was a mistake for me to use personal e-mail and I regret that." She said that the other State Department officials with whom she corresponded through the personal email did not act carelessly and "did not believe they were sending any material that was classified."

McClatchy (7/8, Welsh, 43K) adds, though, that Clinton did not respond to Blitzer's question as to whether she would comply with the State Department investigation. She said, "Well, there was a Justice Department investigation going on at the time ... And, of course, I fully cooperated with that."

Additionally, Reuters (7/8, Allen) reports in an interview with MSNBC, Clinton said "she did not realize she was transmitting highly classified government secrets" while using private email, also saying she followed the lead of "her former colleagues at the State Department." She said, "They, I believe, did not believe they were sending any material that was classified, they were pursuing their responsibilities."

The Washington Post (7/8, Gearan, 9.18M) similarly reports that Clinton deflected responsibility for the careless handling of sensitive information, saying that her colleagues also "did not treat the information as secret." In an NBC interview, she said, "I dealt with over 300 people in the State Department, many with decades of experience, who understand clearly how to handle classified material."

Meanwhile, in an interview with NBC Nightly News (7/8, story 13, 1:55, Holt, 16.61M) correspondent Lester Holt, Hillary Clinton stated, "I think yesterday Director Comey clarified many of the issues" regarding the investigation into her use of a personal email server and "clarified, as did the State Department," that "no more than three documents that they thought might have some kind of marking, two of them were the result of human error," were not classified.

Judge Sets Hearing In Judicial Watch's Civil Suit Against Clinton Over Email Server. Politico (7/8, Gerstein, 1.96M) reports US District Judge Emmet Sullivan set a hearing date of July 18 in a civil suit brought against Hillary Clinton by the conservative watchdog group Judicial Watch over her use of a home-based server while serving as Secretary of State. The group was already given permission by Sullivan to "conduct depositions of several former aides to Clinton, including former chief of staff Cheryl Mills, deputy chief of staff Huma Abedin, computer specialist Bryan Pagliano and current Undersecretary of State for Management Patrick Kennedy." Clinton's testimony is being called to clarify why she used a private server and "whether it was intended to frustrate Freedom of Information Act requests."

Trump Criticizes Clinton Appears On CNN, MSNBC Following Dallas Shooting. Politico (7/8, Nelson, 1.96M) reports in the wake of the Dallas police shooting on Thursday, Donald Trump attacked Hillary Clinton via Twitter for her appearance on CNN and MCNBC. He tweeted, "Isn't it sad that on a day of national tragedy Hillary Clinton is answering softball questions about her email lies on @CNN?" Both Trump and Clinton canceled campaign events on Friday.

Milbank: Republicans Seeking To "Impugn" Comey's Character. In a Washington Post (7/8, Milbank, 9.18M) opinion piece, columnist Dana Milbank says Republican lawmakers sought to "impugn the character" of FBI director James Comey, rather than to "accept the political gift Comey presented them" in calling Clinton's action negligent or to "fix a system that classifies too much but still doesn't protect the most important secrets." In an emergency hearing on Thursday, Comey emphasized, "I did not coordinate that [statement] with anyone. The White House, the Department of Justice, nobody outside the FBI family had any idea what I was about to say. I say that under oath. I stand by that. There was no coordination, no."

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FBI/DEA/ATF/USMS:

Cruz Says FBI Shows Increased "Politicization" Over Clinton Probe. Politico (7/8, Gass, 1.96M) reports Sen. Ted Cruz criticized FBI Director James Comey over the bureau's decision not to recommend charges against Hillary Clinton, saying it "reflect[s] increased 'politicization' in the FBI," which he said is also visible in the DOJ. While on Glenn Beck's radio show, he said, "The criminal law should apply fairly and objectively to everyone ... There's a reason the statue of Lady Justice is blindfolded, because it should not be a question of currying influence and power." He also said, "Now, the federal criminal law criminalizes gross negligence. I've been a lawyer a lot of years. I gotta tell ya, I'm not smart enough to know the difference between extreme carelessness and gross negligence."

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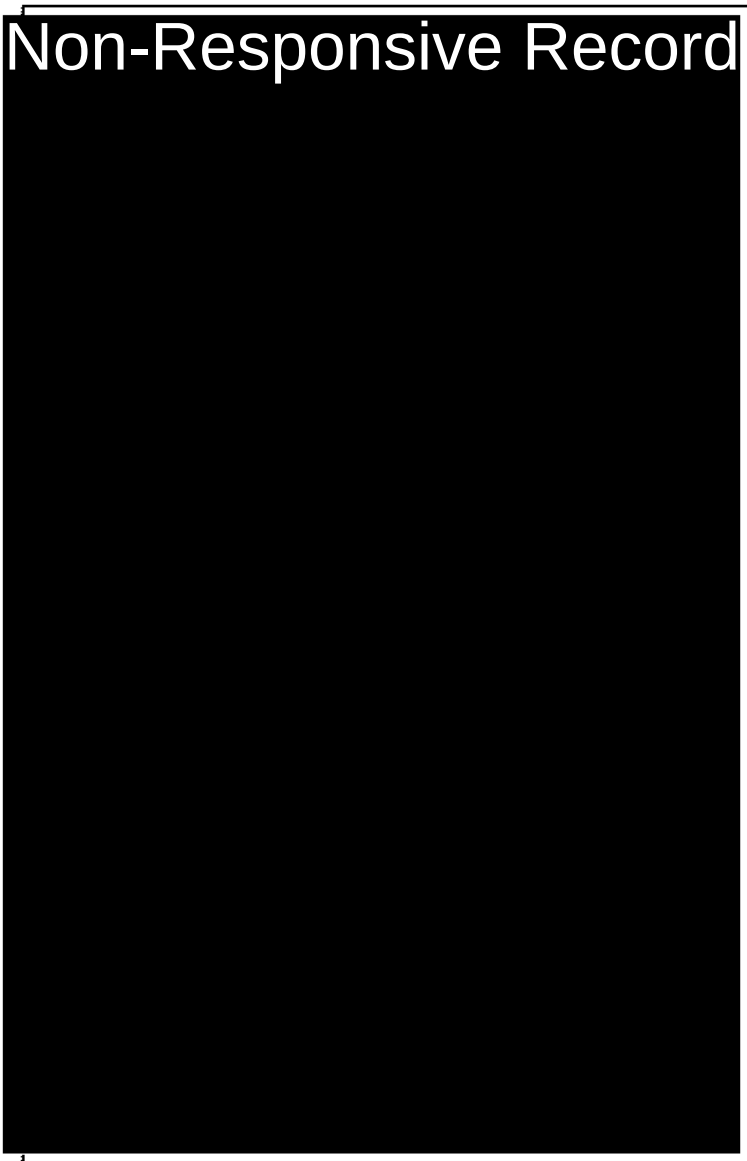
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DEPARTMENT OF JUSTICE *NEWS CLIPS*

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CIVIL LAW:

Clinton Reiterates Email Use Was A 'Mistake' As State Dept. Reopens Probe

By Elise Labott And Mj Lee

CNN, July 8, 2016

Washington (CNN)As the State Department reopens its investigation into Hillary Clinton's use of a private email server as secretary of state, Clinton reiterated on Friday that her use of personal email was a "mistake" that she would "certainly not do again."

In an interview with CNN's Wolf Blitzer, Clinton expressed "relief" that a Justice Department investigation did not result in criminal charges, and also suggested that she expects the State Department to take into consideration the Justice Department's conclusions.

"It was a mistake for me to use personal email. And I regret that. I am certainly relieved and glad that the investigation has concluded but I also know how important it is to make sure everybody understands that I would certainly not do that again," Clinton said.

Clinton noted on the State Department probe: "I assume they will pursue whatever process they think is appropriate and I also assume that they will pay very close attention to what the findings were of the Justice Department investigation."

Clinton, who has in the past stated that she "never sent or received" classified materials on her personal email server, appeared to soften that language on Friday. "I certainty did not believe that I received or sent any material that was classified," she told Blitzer.

The Republican National Committee quickly jumped on Clinton for the remark.

"Even now, Hillary Clinton is unwilling to tell the American people the truth about her illicit email server that broke the rules and put national security at risk," RNC spokesman Michael Short said in a statement. "The only thing Hillary Clinton seems to be clarifying is that she is determined to continue misleading voters and obfuscating the facts about her reckless conduct as secretary of state."

The State Department's announcement on Thursday was expected, as the department had suspended its probe while it was waiting for the Justice Department to complete its criminal investigation. But the State Department's announcement serves as a reminder that the email issue will continue to dog Clinton's campaign.

The State Department will now focus on whether current employees involved in handling or sending and receiving Clinton's emails should get disciplinary action, which could range from a reprimand to losing their security clearance. Former employees found to be mishandling classified information could also have notes put in their file that could also have consequences if they seek future employment with the government and need security clearance.

Several senior State Department officials told CNN the investigation is a review of how various emails were handled. Investigators will determine the degree to which email traffic was classified at the time it was sent, and any determination about action against an individual would only come after a consideration about the emails themselves.

"Given the Department of Justice has now made its announcement, the State Department intends to conduct its internal review," State Department spokesman John Kirby said in a statement. "I cannot provide specific information about the department's review, including what information we are evaluating. We will aim to be as expeditious as possible, but we will not put artificial deadlines on the process. Our goal will be to be as transparent as possible about our results, while complying with our various legal obligations. I'm not able to make commitments today one way or the other about what we will be able to disclose."

State Department spokeswoman Elizabeth Trudeau said in April it was "standard practice" for the department to pause on its review during the law enforcement investigation.

Earlier this week, FBI Director James Comey recommended that no criminal charges be brought in the case, a finding that the Justice Department accepted on Wednesday. Comey was the subject of a lengthy grilling on Capitol Hill Thursday as he fielded questions from Republicans about the investigation, with House Oversight Committee Chairman Jason Chaffetz saying he would ask the FBI to probe whether Clinton lied to Congress about her email arrangements.

Republicans are trying other avenues to keep alive the email controversy that has clouded her presidential campaign for months.

House Speaker Paul Ryan, for instance, asked the Office of the Director of National Intelligence to block access to classified briefings for Clinton for the rest of the campaign.

The State Department's inspector general in May blasted Clinton's email use, saying that she failed to follow the rules or inform key department staff regarding her use of a private email server.

Hillary Clinton Deflects Wolf Blitzer's Questions About Her Use Of Private Email Server

By Teresa Welsh

McClatchy, July 8, 2016

Presidential candidate Hillary Clinton deflects questions about her use of private server while she was secretary of state.

Democratic presidential candidate Hillary Clinton refused to say whether she would comply with an internal State Department investigation into her use of a private email server while secretary of state.

In an interview on CNN on Friday, Clinton did not answer the question when asked multiple times by Wolf Blitzer about the new investigation announced Thursday, which will examine whether current or past employees mishandled classified information.

"Will you cooperate with this new State Department investigation?" Blitzer asked Clinton in a live interview. "Because I know you didn't cooperate with the inspector general of the State Department in his investigation."

"Well, there was a Justice Department investigation going on at the time," Clinton said. "And, of course, I fully cooperated with that."

The State Department paused its internal review while the Justice Department investigation was ongoing.

The Justice Department announced Wednesday it would not bring charges against Clinton for her email practices while secretary. Attorney General Loretta Lynch accepted the recommendation of the FBI not to prosecute Clinton, even though the bureau found that Clinton did send and receive classified information over the unsecure server. FBI Director James Comey said Clinton's security practices were "extremely careless" but her actions did not merit federal prosecution.

Clinton had previously stated she had not sent any classified information in her emails. In the interview with Blitzer, she said she didn't think anyone she corresponded with knowingly sent her classified information.

"I think there are about 300 people in the government — mostly in the State Department — but in other high positions in the government with whom I e-mailed over the course of four years," Clinton said. "They, I believe, did not believe they were sending any material that was classified."

Clinton repeated that her use of the private server was a mistake, calling it a "convenience" at the time that she now realized was "the wrong choice."

Blitzer noted that Comey said Clinton and her aides "should have known" that her emails were not secure.

"Should you have known better?" Blitzer asked Clinton.

The former secretary of state did not answer the question, deflecting back to other government employees:

"I just believe that the material that was being communicated by professionals, many with years of handling sensitive classified material, they did not believe that it was," Clinton said. "I did not have a basis for second-guessing their conclusion, and these were not marked."

Clinton Blames State Colleagues For Classified Secrets In Emails

By Jonathan Allen

Reuters, July 8, 2016

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Clinton Deflects Responsibility For Handling Of Sensitive Emails

By Anne Gearan

Washington Post, July 8, 2016

Hillary Clinton deflected responsibility Friday for what the FBI called her careless handling of sensitive government secrets, saying that officials with whom she corresponded as secretary of state did not treat the information as secret.

In her first remarks about FBI findings that were highly critical of her stewardship of classified information, Clinton said she made a mistake in setting up the privately owned email system she used when she was secretary of state. But she repeatedly noted that information later identified as classified was part of correspondence with hundreds of government officials who did not flag any problem.

"I believe and have said many times that I take classified material seriously," Clinton said in an interview with NBC. "I dealt with over 300 people in the State Department, many with decades of experience, who understand clearly how to handle classified material."

In most but not all cases investigated by the FBI, others initiated communications with content that was later identified as sensitive. Those messages were sent directly or forwarded to Clinton.

The references to other government officials, repeated in other interviews Clinton conducted Friday, represent a new line of defense in the long public debate over an issue that has led many voters to say they do not trust her.

"I do not believe that all of the professionals that I dealt with in the State Department were careless in handling classified material," Clinton said. "I do not believe that they did anything that in any way, they believed, was inappropriate."

Until now, Clinton had not discussed in any detail that the messages involved scores of other government officials with security clearances and knowledge of the handling of sensitive material.

Previously, Clinton had said she never knowingly sent any classified information over her private email system. FBI Director James B. Comey did not contradict that assertion in announcing his findings this week but did say in House testimony that she had been negligent.

"I think he's clarified it. The State Department has clarified it," Clinton said. "I have said, I regret using a personal email."

Comey presided over a year-long investigation that found Clinton's setup to be problematic, but he said Tuesday that the matter should be closed with no criminal charges. The case was closed by the Justice Department the next day.

The State Department, however, said Thursday that it was reopening its internal review of the matter — which could potentially bring professional consequences for Clinton or her top aides there.

Clinton did not answer direct questions in a CNN interview about whether she would cooperate in the State Department inquiry.

The Republican National Committee said in an email to reporters that Clinton "continued to misrepresent the facts about her email scandal and refused to commit to cooperating with a rekindled State Department probe into her handling of classified material."

Republicans have called on the Obama administration to deny her access to classified briefings.

Judge Sets Hearing On Demand For Hillary Clinton Deposition

By By Josh Gerstein

Politico, July 8, 2016

A federal judge has set a hearing for later this month on a conservative group's demand that Hillary Clinton testify in a civil lawsuit relating to the home-based email server she used as secretary of state.

After Judicial Watch made the request Friday afternoon, U.S. District Court Judge Emmet Sullivan almost immediately ordered the government to respond by Tuesday and he set a hearing on the issue for July 18. That happens to be the first day of the Republican National Convention and a week before the opening of the Democratic National Convention, where Clinton is expected to receive the Democratic presidential nomination.

Sullivan previously authorized the conservative watchdog group to conduct depositions of several former aides to Clinton, including former chief of staff Cheryl Mills, deputy chief of staff Huma Abedin, computer specialist Bryan Pagliano and current Undersecretary of State for Management Patrick Kennedy. The testimony was ordered in connection with a Freedom of Information Act lawsuit Judicial Watch filed seeking records about Abedin's employment arrangements.

In its motion Friday, Judicial Watch said the deposition of Clinton is needed because the earlier testimony failed to clarify why Clinton used the private email system and whether it was intended to frustrate Freedom of Information Act requests.

"Secretary Clinton's testimony is necessary to answer the 'questions surrounding the creation, purpose and use' of the clintonemail.com system," Judicial Watch attorney Michael Bekesha wrote. "It was her system. She was the primary driving force behind it and was its principal user. She chose to make exclusive use of the system for all of her official email communications and to allow one of her key aides, Ms. Abedin, to use the unofficial system for official communications as well. Without Secretary Clinton's testimony, there can be no fair, rightful, and conclusive answer to the Court's questions."

The motion says it remains unclear why Clinton clung to the system, even when it interfered with her job after her messages were caught in State Department spam filters. Records obtained by Judicial Watch and others show Clinton expressed concerns about using an official State account, writing in one message to Abedin: "Let's get separate address on device but I don't want any risk of the personal being accessible."

"This evidence suggests that, despite the recurrent problems, frustration, and security issues associated with Secretary Clinton's use of the clintonemail.com system (and after her staff was reminded about FOIA obligations), the secretary nonetheless decided to continue using the system to conduct official government business instead of switching to an official, State Department email system," Bekesha wrote. "Only Secretary Clinton can answer why she chose to continue using this flawed, frustrating, non-secure system for her official State Department emails, as well as what she meant about not 'want[ing] any risk of the personal being accessible.'"

Spokespeople for the Clinton campaign did not immediately respond to a request for comment on the proposed deposition.

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In May, Judicial Watch sought a deposition of Clinton in another FOIA lawsuit the group is pursuing, seeking records related to the creation of talking points about the 2012 Benghazi attack. That case is pending before another judge, who has not yet acted on the request.

The State Department opposed that request for Clinton's testimony. State is also opposing the latest request, Judicial Watch said.

Judicial Watch's new motion also seeks depositions of two individuals who were not called to testify in the earlier round: a key FOIA staffer in Clinton's office, Clarence Finney, and former State information technology supervisor John Bentel.

Trump Knocks Clinton For Talking Email Scandal After Dallas Shooting

By By Louis Nelson

Politico, July 8, 2016

After canceling his campaign events Friday in the wake of Thursday's shooting of police officers in Dallas, Donald Trump attacked Hillary Clinton on Twitter for answering questions about her email controversy during an appearance on CNN.

"Isn't it sad that on a day of national tragedy Hillary Clinton is answering softball questions about her email lies on @CNN?" Trump wrote on Twitter just minutes after Clinton concluded a pair of interviews on CNN and MSNBC.

Like Trump, Clinton canceled a campaign event in Scranton, Pennsylvania, with Vice President Joe Biden in the wake of a shooting in downtown Dallas that killed five police officers and injured seven more. The former secretary of state was still scheduled to deliver remarks Friday evening at an African Methodist Episcopal church conference in Philadelphia and did the two live interviews in the leadup to her remarks.

CNN's Wolf Blitzer and NBC News' Lester Holt both led off their respective interviews with questions about Thursday's shooting but both devoted an almost equal amount of time to Clinton's email controversy. In her first comments since FBI Director James Comey announced the bureau would not recommend charges against her, Clinton said she was relieved the investigation was behind her and continued to defend herself against allegations that she knowingly put classified information in jeopardy.

"Over 300 people were on these email exchanges, some on many, some on a few, and these were experienced professionals who have had great years of dealing with classified material," she told Blitzer. "Whatever they sent me, they did not believe and had, in my view, no reason to believe at the time that it was classified."

Republican Attacks On Comey Undermine The Rule Of Law

By Dana Milbank

Washington Post, July 8, 2016

Republicans summoned FBI Director James Comey to Capitol Hill on Thursday to question him about his determination that Hillary Clinton did not break the law with her use of a private email server. They termed it an "emergency" hearing, and their questions were correspondingly urgent.

"Have you seen the Broadway production 'Hamilton'?" Rep. John Mica of Florida, the most senior Republican on the House Oversight Committee, asked Comey.

The witness looked puzzled at the line of questioning: Was Mica going to challenge him to a duel?

"Not yet," Comey replied.

Mica explained that "Hamilton" had won the Tony for best choreography, which, in the lawmaker's fertile mind, makes the musical just like Comey's statement recommending no prosecution of Clinton: A case of "choreography," he alleged, between President Obama, Bill and Hillary Clinton, Attorney General Loretta Lynch, and Comey.

Mica displayed a "Clinton Timeline," with photos, to tie his conspiracy together. "[T]here is something fishy about this," Mica announced, between clicks of his tongue. "I'm not a conspiracy theorist, but there are a lot of questions on how this came down."

Comey, who otherwise endured five hours of questioning with patience and calm, denounced the "insinuation" Mica had made and told him what he should tell his constituents: "Look me in the eye and listen to what I'm about to say," the FBI chief said. "I did not coordinate that [statement] with anyone. The White House, the Department of Justice, nobody outside the FBI family had any idea what I was about to say. I say that under oath. I stand by that. There was no coordination, no."

Republicans didn't just disagree with Comey's decision, or demand new investigations, which is their right. They alleged that the justice system is rigged and corrupt. This doesn't hurt Comey or even Clinton as much as it undermines a building block of civilized society: the rule of law.

Until now, nobody questioned the probity of Comey, a longtime prosecutor and former No. 2 official in George W. Bush's Justice Department. House Speaker Paul Ryan had said "his integrity is unequaled." Rep. Jason Chaffetz (R-Utah), chairman of

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the oversight panel, had said he and his Republican colleagues would "probably" accept his recommendation because "in all of government, he is a man of integrity and honesty."

But now Ryan is saying Clinton got preferential treatment, Chaffetz says Comey made a "political calculation," and presumptive GOP nominee Donald Trump alleges the attorney general was bribed. Others call the FBI "steeped in political bias" or raise "serious concerns about the integrity" of Comey's decision.

Republicans could simply accept the political gift Comey presented them. He said Thursday that Clinton met the very "definition of negligent" in her mishandling of classified information. And he portrayed her as a Luddite who lacks basic familiarity with the treatment of classified material and didn't even have a computer in her office.

They could also use the occasion to fix a system that classifies too much but still doesn't protect the most important secrets. Clinton is hardly the only one to mishandle government secrets. In the same hearing room four years ago, Chaffetz publicly exposed the existence of a CIA facility in Benghazi. The Obama administration has repeatedly complained that members of the committee have divulged the names of U.S. government informants, airport-security details and information from a sealed wiretap warrant.

Instead, several Republicans attempted to impugn the character of a model public servant. "Obviously, this is very suspicious, just the optics of it all," charged Rep. Jody Hice (R-Ga.), tying Comey's announcement to "Secretary Clinton is flying around in Air Force One with the president."

Chaffetz alleged that "Lady Justice will act differently" for the Clintons. Rep. Buddy Carter (R-Ga.) said an "inside the Beltway mentality" was keeping Comey from bringing charges.

Comey, who delivered his opening statement and fielded questions without notes, calmly explained that to prosecute Clinton, the government would have to rely on a 1917 statute of dubious constitutionality that has only been used once in 99 years.

Comey said that his "all-star" team of 15 to 20 people who "didn't give a hoot about politics" was unanimous after their year-long probe that Clinton shouldn't be charged. He said they couldn't prove that she knew she was receiving classified information or retaining it on her server.

And, because the facts in the case wouldn't be used to prosecute a "John Doe," he said, trying to prosecute Clinton with these facts would be "celebrity-hunting."

That, of course, is what Republicans wanted Comey to do. Instead, he showed integrity. "In my experience, which is three decades, no reasonable prosecutor would bring this case," he said. "I know that frustrates people, but that's the way the law is."

Non-Responsive Record



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FBI/DEA/ATF/USMS:

Cruz Blasts 'Political' FBI Over Clinton Probe

By By Nick Gass

Politico, July 8, 2016

Texas Sen. Ted Cruz expressed concern Friday over testimony from FBI Director James Comey the previous day on the bureau's investigation into Hillary Clinton's private server, suggesting that Comey's decision not to recommend charges reflected increased "politicization" in the FBI, claiming the same has been true for the Department of Justice.

O'Brien, Alicia C (OLA)

From: O'Brien, Alicia C (OLA)
Sent: Saturday, July 09, 2016 12:02 PM
To: Herwig, Paige (OAG)
Subject: FW: top line TPs
Attachments: Top Line TPs.docx

FYSA

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From: O'Brien, Alicia C (OLA)
Sent: Saturday, July 09, 2016 12:02 PM
To: Toscas, George (NSD)
Cc: Kadzik, Peter J (OLA); Cheung, Denise (OAG)
Subject: top line TPs

George- Please take a look and let us know if you have any edits. Many thanks.

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Bulletin Intelligence

From:	Bulletin Intelligence
Sent:	Sunday, July 10, 2016 7:01 AM
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Attachments:	agnb160710.pdf; agnb160710.doc; dojclips160710.pdf; dojclips160710.doc

Sunday's Attorney General's News Briefing and Clips are attached.

Website: You can also find today's briefing, including searchable archive of past editions, and clips at http://Justice.BulletinIntelligence.com.

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THE ATTORNEY GENERAL'S *NEWS BRIEFING*

PREPARED FOR THE OFFICE OF PUBLIC AFFAIRS, US DEPARTMENT OF JUSTICE BY BULLETIN INTELLIGENCE WWW.BULLETININTELLIGENCE.COM/JUSTICE

TO: **THE ATTORNEY GENERAL AND SENIOR STAFF**

DATE: **SUNDAY, JULY 10, 2016 7:30 AM EDT**

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EDITORIALS/OP-EDS/LETTERS TO THE EDITOR:

Dowd: Clintons Have "Contaminated" Many. In her New York Times (7/9, Dowd, Subscription Publication, 14.18M) column, Maureen Dowd writes that following the FBI's investigation into what director James Comey called Hillary Clinton's "extremely careless" handling of her emails while Secretary of State, it appears that Clinton will get "a big promotion" and become president, rather than "getting fired," as she might be if she still worked at the State Department. Dowd says this is just the latest example of the "arrogant, selfish actions" of the Clintons, whom she calls "the Tom and Daisy Buchanan of American politics," and whose "vast carelessness," she alleges, "drags down everyone around them" while "they persevere, and even thrive." In this latest scandal involving Hillary Clinton's private email server, Dowd says, the duo have "contaminated three of the purest brands

in Washington – Barack Obama, James Comey and Loretta Lynch – and jeopardized the futures of Hillary's most loyal aides."

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King: Clinton Has "Deplorable Disregard For Proper Security." In his Washington Post (7/8, King, 9.18M) column, Colbert King scathingly condemns Hillary Clinton and the "enablers" who allowed her to put "personal interests above the obligation to properly protect classified information." According to the Post, while Donald Trump "as an alternative is unthinkable," Clinton's "disregard for proper security" is "deplorable." He concludes "she set a dreadful example for the national security community she seeks to lead. Can she learn from this? We live in hope. What else have we got?"

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HOMELAND RESPONSE:

Obama Acknowledges Concerns With State Department's Handling Of Classified Information Reuters (7/9, Rascoe, Mason, Mohammed) reports President Obama "said on Saturday he was concerned about how the State Department handles classified information but cast this as part of a government-wide challenge in the age of email, texts and smartphones," telling reporters "the advent of email and texts and smart phones is just generating enormous amounts of data," which he said is "putting enormous pressure on the department to sort through it, classify it properly."

The Wall Street Journal (7/9, Lee, Subscription Publication, 6.27M) reports Obama shared in the concerns of FBI Director James Comey regarding how the State Department handles sensitive information. Obama said Secretary of State Kerry is trying to "get our arms around" the issue, which "reflects a larger problem in government." According to the Washington Times (7/9, Boyer, 257K), the President "indirectly excused Hillary Clinton's careless handling of classified material Saturday by saying the State Department is overwhelmed daily by a 'massive influx of information' due to improvements in technology."

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The Hill (7/9, Hellmann, 884K) "Briefing Room" blog adds Obama "told a reporter to not even bother asking a question about the FBI's investigation into Hillary Clinton's email server." The Hill states that Obama cut off the reporter, saying, "I'm going to continue to be scrupulous about not commenting on it just because I think [FBI] Director Comey could not have been more exhaustive."

WPost A1: Question Of Clinton's Honesty Date To 1990s Whitewater Case. A 1,752-word Washington Post (7/9, Helderman, 9.18M) front-page analysis reports the recent decision by the FBI to not charge Hillary Clinton with a crime over her use of a private email server echoes an earlier time when prosecutors came close to filing charges against Clinton and former President Bill Clinton in the Whitewater investigation. In both investigations, the Post states Clinton's "honest[y] was a central question facing investigators." The article indicates the 1998 Whitewater case also shows how long Clinton "has faced scrutiny about her ethics and judgment" and it also "helps explain why public questions about her trustworthiness have been so difficult for her to overcome."

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THE BIG PICTURE:

Headlines From Today's Front Pages.

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WASHINGTON POST:

For Clinton, echoes from Whitewater

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DEPARTMENT OF JUSTICE *NEWS CLIPS*

PREPARED FOR THE OFFICE OF PUBLIC AFFAIRS, US DEPARTMENT OF JUSTICE BY BULLETIN INTELLIGENCE WWW.BULLETININTELLIGENCE.COM/JUSTICE

TO: **THE ATTORNEY GENERAL AND SENIOR STAFF**

DATE: **SUNDAY, JULY 10, 2016 7:30 AM EDT**

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EDITORIALS/OP-EDS/LETTERS TO THE EDITOR:

The Clinton Contamination

By Maureen Dowd

New York Times, July 9, 2016

WASHINGTON — IT says a lot about our relationship with Hillary Clinton that she seems well on her way to becoming Madam President because she's not getting indicted.

If she were still at the State Department, she could be getting fired for being, as the F.B.I. director told Congress, "extremely careless" with top-secret information. Instead, she's on a glide path to a big promotion.

And that's the corkscrew way things go with the Clintons, who are staying true to their reputation as the Tom and Daisy Buchanan of American politics. Their vast carelessness drags down everyone around them, but they persevere, and even thrive.

In a mere 11 days, arrogant, selfish actions by the Clintons contaminated three of the purest brands in Washington — Barack Obama, James Comey and Loretta Lynch — and jeopardized the futures of Hillary's most loyal aides.

It's quaint, looking back at her appointment as secretary of state, how Obama tried to get Hillary without the shadiness. (Which is what we all want, of course.)

The president and his aides attempted to keep a rein on Clinton's State Department — refusing to let her bring in her hit man, Sidney Blumenthal.

But in the end, Hillary's goo got on Obama anyhow. On Tuesday, after Comey managed to make both Democrats and Republicans angry by indicting Clinton politically but not legally, Barry and Hillary flew to Charlotte, N.C., for their first joint campaign appearance.

Obama was left in the awkward position of vouching for Hillary's "steady judgment" to run an angry, violent, jittery nation on the very day that his F.B.I. director lambasted her errant judgment on circumventing the State Department email system, making it clear that she had been lying to the American public for the last 16 months.

Comey, who was then yanked up to Capitol Hill for a hearing on Thursday, revealed that instead of no emails with classified information, as Hillary had insisted, there were 110, of those turned over to the State Department. Instead of Clinton's assurances that the server in the basement in Chappaqua had never been breached, Comey said it was possible that hostile actors had hacked Clinton's email account. Among the emails not given to State, he said at least three contained classified information.

Hillary had already compromised the president, who feels he needs her to cement his legacy. Obama angered F.B.I. agents when he was interviewed on CBS's "60 Minutes" last fall and undermined the bureau's investigation by exonerating Hillary before the F.B.I. was done with its work, saying pre-emptively, "This is not a situation in which America's national security was endangered."

Hillary willfully put herself above the rules — again — and a president, campaign and party are all left twisting themselves into pretzels defending her.

Obama aimed to have no shadows, but the Clintons operate in shadows.

After Bill Clinton crossed the tarmac in Phoenix to have a long chat with Lynch, the attorney general confessed that the ill-advised meeting had "cast a shadow" over her department's investigation into his wife and that she would feel constrained to follow the recommendation of the F.B.I.

"I certainly wouldn't do it again," Lynch said, admitting it hit her "painfully" that she had made a mistake dancing with the Arkansas devil in the pale moonlight.

The meeting seemed even more suspect a week later, when The Times reported that Hillary might let Lynch stay on in a new Clinton administration.

The fallout from the email scandal has clouded the futures of longtime Hillary aides Cheryl Mills, Huma Abedin and Jake Sullivan, who were also deemed extremely careless by Comey for their handling of classified information. The Times reported that they could face tough questions as they seek security clearances for diplomatic or national security posts. (Not to mention remiss in not pushing back on Clinton about the private server.)

"You've got a situation here where the woman who would be in charge of setting national security policy as president has been deemed by the F.B.I. unsuitable to safeguard and handle classified information," Bill Savarino, a Washington lawyer specializing in security clearances, told the Times.

So many lawyers in this column, so little law.

President Obama is not upset about being pulled into the Clinton Under Toad, to use an old John Irving expression. He thinks Washington is so broken that the next president will need a specific skill set to function, and he thinks Hillary has that.

But what should disturb Obama, who bypassed his own vice president to lay out the red carpet for Hillary, is that the email transgression is not a one off. It's part of a long pattern of ethical slipping and sliding, obsessive secrecy and paranoia, and collateral damage.

Comey's verdict that Hillary was "negligent" was met with sighs rather than shock. We know who Hillary and Bill are now. We've been held hostage to their predilections and braided intrigues for a long time. (On the Hill, Comey refused to confirm or deny that he's investigating the Clinton Foundation, with its unseemly tangle of donors and people doing business with State.)

We're resigned to the Clintons focusing on their viability and disregarding the consequences of their heedless actions on others. They're always offering a Faustian deal. This year's election bargain: Put up with our iniquities or get Trump's short fingers on the nuclear button.

The Clintons work hard but don't play by the rules. Imagine them in the White House with the benefit of low expectations.

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Clinton's Deplorable Disregard For Proper Security

By Colbert I. King

Washington Post, July 8, 2016

On the day of his arrival in 1968 as the U.S. ambassador to Bonn, West Germany, Henry Cabot Lodge Jr. dropped a bombshell. Lodge said he believed everybody was entitled to one idiosyncrasy, and his was that at the end of the workday, all papers on his desk, including classified documents, should remain undisturbed until he returned the next morning.

At the time, I was a State Department special agent assigned to Bonn as part of a three-person team of regional security officers providing personnel and physical security for the embassy, all U.S. consulates in West Germany and the U.S. Mission in West Berlin.

We had good reason to be stunned.

West Germany in the 1960s was near ground zero in the Cold War. Few European countries had been more penetrated by foreign spies. American diplomatic missions were key targets.

Lodge, nonetheless, prevailed.

Superiors in our chain of command did not order the ambassador to follow security rules. The word from on high: Make do; don't let classified information fall into the wrong hands.

And it didn't.

Security processes were enhanced to accommodate Lodge's work habits: juggled Marine security guard assignments, rigged physical security devices and a few sleepless nights, all to ensure that materials deemed sensitive from the standpoint of national security were not compromised.

We were relieved to see Lodge go home in 1969.

Which brings us to Hillary Clinton and the FBI investigation into her personal email system when she was secretary of state.

By using her own, unclassified email servers to communicate and store highly sensitive government information — as the FBI established — Clinton, as with Lodge before her, placed personal interests above the obligation to properly protect classified information.

The difference is that, unlike in Lodge's case, no one tried to save Clinton — and by extension, national security — from herself.

To the contrary, Clinton had enablers.

A May State Department inspector general's report on email records management and cybersecurity during Clinton's tenure said: "Two staff in [Clinton's executive secretariat] reported . . . that, in late 2010, they each discussed their concerns about Secretary Clinton's use of a personal email account in separate meetings with the [director of the executive secretariat]."

"According to [one] staff member, the Director stated that the Secretary's personal system had been reviewed and approved by Department legal staff and that the matter was not to be discussed any further," the report said.

The Office of the Inspector General, it said, "found no evidence that staff in the Office of the Legal Adviser reviewed or approved Secretary Clinton's personal system."

The OIG also reported that the other staff member who raised concerns said the director stated that the executive secretariat's "mission . . . is to support the Secretary and instructed the staff never to speak of the Secretary's personal email system again."

What's more, unlike with Lodge, classified information in Clinton's custody could have been compromised.

The FBI found that "hostile actors" (read: foreign sources) gained access to private email accounts of people with whom Clinton was in regular contact through her personal account, and that she used her personal email overseas in "the territory of sophisticated adversaries" (read: Russia and China). It's not far-fetched to think that her system may have been compromised.

Robert M. Gates, former defense secretary and CIA director, said as much. Noting that the Pentagon has acknowledged getting hacked "about 100,000 times a day," Gates assessed the odds as "pretty high" that the Russians, Chinese and Iranians had compromised Clinton's server.

I'm in no position to second-guess the FBI's recommendation that, based upon the evidence, no criminal charges should be brought regarding Clinton's handling of classified information.

But as FBI Director James B. Comey stated at his news briefing, people who have engaged in similar activities have been subject to security and administrative sanctions.

I know of such cases.

A Foreign Service officer sat in my office in Bonn with tears in his eyes because he feared that discovery of the latest in his string of security violations, albeit none willful, might result in the loss of his top-secret clearance and continued diplomatic service. He feared correctly.

Clinton and her colleagues, Comey said, were "extremely careless in their handling of very sensitive, highly classified information." Now that the Justice Department has decided to turn the page on Clinton, the State Department said it will reopen an internal review of the handling of classified information and her email use.

Spoiler alert: Some career employees will be reprimanded.

Clinton and her inner circle, however, face no serious consequences, as they are no longer federal employees — until, perhaps, Inauguration Day 2017.

Donald Trump as an alternative is unthinkable.

My expressed view that Trump is "a dishonest, egotistical, vulgar, mean-spirited bully who resorts to foul religious and racial scapegoating and insults to cover his own insecurities" is irrevocable.

But that doesn't mean Clinton's disregard for proper security isn't deplorable. She set a dreadful example for the national security community she seeks to lead.

Can she learn from this?

We live in hope.

What else have we got?

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Obama Blames State Dept. Email Problems On 'Massive Influx' Of Data

By Dave Boyer

Washington Times, July 9, 2016

President Obama indirectly excused Hillary Clinton's careless handling of classified material Saturday by saying the State Department is overwhelmed daily by a "massive influx of information" due to improvements in technology.

While cautioning that he wouldn't comment on Mrs. Clinton's case, the president said at a news conference in Poland that he's "concerned" about FBI Director James B. Comey's warning that the State Department has a widespread problem with its handling of classified documents.

"The advent of email and texts and smartphones is just generating enormous amounts of data," Mr. Obama said. "It is hugely convenient. But what it also is doing is creating this massive influx of information on a daily basis, putting enormous pressure on the department to sort through it, classify it properly, figure out what are the various points of entry because of the cyberattack risks that these systems have."

Mr. Comey told lawmakers this week that Mrs. Clinton isn't particularly "sophisticated" in handling classified material. Critics including many Republican lawmakers are pushing to bar Mrs. Clinton, the presumptive Democratic presidential nominee, from receiving classified briefings during her campaign.

The president suggested that erring on the side of caution when classifying sensitive documents creates other problems, slowing communication among various government agencies.

"If you over-classify, then all the advantages of this new information suddenly go away because it's taking too long to process," the president said.

Mr. Obama said handling the flood of information is a problem across government agencies.

"It's a problem in terms of domestic affairs; it becomes an even bigger problem when you're talking about national security issues," he said.

Mr. Comey criticized Mrs. Clinton this week for "extremely careless" handling of classified documents on her private mail system while she served as secretary of State. But Attorney General Loretta Lynch accepted his recommendation not to bring charges in the case.

Obama To Reporter: Don't Waste A Question On Clinton Emails

By Jessie Hellmann

The Hill, July 9, 2016

President Obama on Saturday told a reporter to not even bother asking a question about the FBI's investigation into Hillary Clinton's email server.

The president said he would continue to decline to comment on the investigation, as he has done for months.

"I'm going to continue to be scrupulous about not commenting on it just because I think [FBI] Director Comey could not have been more exhaustive," Obama said, cutting off the question of a reporter during a press conference in Warsaw at a NATO summit.

"My understanding is that not only did he make a full presentation, but while we were over here, or at least flying, he was presenting to Congress for hours on end," Obama said.

Comey announced Tuesday that the FBI would not recommend charges against Clinton over the private email server that she used while secretary of State.

He defended his agency against Republican criticism Thursday at a hearing of the House Oversight Committee.

In Email Probe, Echoes Of Another Time Prosecutors Weighed Charging Hillary Clinton With A Crime

By Rosalind S. Helderman

Washington Post, July 9, 2016

Over the course of 16 hours, prosecutors and FBI agents agonized over whether to charge Hillary Clinton with a crime. In the end, after weighing every ounce of evidence, examining piles of documents and gaming out whether a jury would ever convict her, the group made its wrenching decision: no charges.

Nearly 20 years before FBI Director James B. Comey declared that "no reasonable prosecutor" would bring a criminal case against Clinton over her use of a private email server while secretary of state, Clinton narrowly escaped a similar legal peril amid the Whitewater investigation that engulfed much of her husband's time as president.

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While history remembers the 1990s probe led by independent counsel Kenneth W. Starr for its pursuit of President Bill Clinton over the possibility he had lied under oath about his relationship with intern Monica Lewinsky, internal documents from the inquiry show how close prosecutors came to filing charges at that time against Hillary Clinton. They even drew up a draft indictment for Clinton, which has never been made public.

As in the email controversy of today, Clinton's honesty was a central question facing investigators in 1998 as they weighed whether what they saw as shifting stories from Clinton amounted to an attempt to cover up misconduct. Like the events of today, Clinton was interviewed for hours by authorities. Unlike the email inquiry, in which Comey said Clinton's status as a presidential candidate had no effect on the decision not to charge her, documents from the 1990s show how prosecutors weighed whether Clinton's political popularity would make her more difficult to convict.

At issue then was legal work Clinton had performed in the 1980s while an attorney at Little Rock's Rose Law Firm on behalf of Madison Guaranty Savings and Loan, which was owned by a business partner of the Clintons who was later convicted of fraud in connection with bad loans made by the thrift. Clinton said that her legal work was minimal and that she was unaware of the wrongdoing at Madison Guaranty.

The episode serves as a reminder of how long Clinton has faced scrutiny about her ethics and judgment, dating even to her days in the East Wing. It helps explain why public questions about her trustworthiness have been so difficult for her to overcome, as well as why she and her supporters have long felt targeted by their political opponents.

The records of prosecutors' 1998 deliberations were obtained by The Washington Post from the National Archives through a Freedom of Information Act request. The Archives declined to release copies of the draft indictment to The Post, saying that access to the document is "restricted." Judicial Watch, a conservative advocacy group, has sued the Archives, seeking release of the indictment draft.

The released records include a memo, written by Starr's team, summarizing the evidence against Clinton. The prosecutors noted that she made numerous sworn statements between January 1994 and February 1996 that they thought "reflected and embodied materially inaccurate stories."

"The question, generally, is not whether the statements are inaccurate, but whether they are willfully so," the prosecutors continued.

The records show the prosecutors had doubts about whether potential jurors would be swayed by a largely circumstantial case, particularly given Clinton's stature as first lady.

Prosecutor Paul Rosenzweig laid out the odds for various outcomes in a memo to colleagues. He predicted a 2 percent chance that a judge would toss the case, then continued: "18 percent = Acquittal; 70 percent = Hung Jury; 10 percent = Conviction."

"Not enough in my view," he wrote.

In an interview, Rosenzweig said he had reflected on that 18-year-old decision while listening to Comey's remarks last week. He said Comey's decision was "very reminiscent" of the challenge that faced the Office of Independent Counsel team.

Rosenzweig said he had concluded in 1998 that seating a jury untainted by political bias was going to be so difficult as to make the chances for a conviction too low to proceed ethically with the case.

"This case was, for me, decided on factors external to guilt or innocence," he said. "I think this case would have had a great chance of a sustained conviction if presented to 12 random people, about someone other than Mrs. Clinton. But that's an impossible hypothetical."

A spokesman for Clinton, Brian Fallon, played down parallels between how prosecutors handled the present-day email inquiry and the Starr-led investigation in the 1990s.

"Then, as now, investigators were facing heavy outside pressure to generate a politically motivated prosecution," Fallon said. "The difference is, in the case of the secretary's emails, the Justice Department has resisted those partisan pressures, with career officials unanimously recommending that no case be brought. In the Whitewater investigation, which was not headed by career officials, the political forces exerted sufficient pressure to produce a bogus draft indictment — until, that is, the independent counsel's office was forced to relent in the face of the facts and consign that draft document to the dustbin of history."

The drama of the 1998 decision was laid out in the 2010 book "The Death of American Virtue: Clinton vs. Starr," a definitive account of the Clinton impeachment saga by law professor Ken Gormley, who interviewed nearly all of the key players. Hillary Clinton did not speak with him.

Gormley wrote that prosecutors and FBI agents met to consider the matter at 8 a.m. on Monday, April 27, 1998, in a session that lasted until nearly midnight. The prosecutor who had led a four-year investigation of Hillary Clinton's activities with the Rose Law Firm spent hours laying out for his colleagues the case that she had had more involvement in work that had

facilitated illicit activity for Madison Guaranty and a troubled real estate project called Castle Grande than she had acknowledged.

Prosecutors discussed one of the more dramatic moments of the Whitewater era: the unexpected discovery of billing records from Clinton's time as an attorney in a storage room on the third floor of the White House residence .

The records had been missing for two years, and White House aides had said they could not be located, even after an exhaustive search, in response to a subpoena.

The records had been found in 1996 by Hillary Clinton's executive assistant, on a table in a room adjacent to Clinton's office. Clinton had told Barbara Walters in a televised interview that she was glad the records had surfaced, and she chalked their disappearance up to a White House crammed with millions of pages of disorganized documents. "You know, a month ago, people were jumping up and down because the billing records were lost and they thought somebody might have destroyed them. Now the records are found, and they're jumping up and down," Clinton said.

Starr's team suspected that Clinton might have orchestrated the mysterious reappearance of the documents.

"There is a circumstantial case that the records were left on the table by Hillary Clinton," the prosecutors wrote. The memo described how the lawyers had interviewed everyone else with access to the room where the records were found, then concluded: "She is the only individual in the White House who had a significant interest in them."

Later in 1998, Starr told Congress that the discovery of the billing records was a "mystery" that his investigators had been unable to solve. In her 2003 memoir "Living History," Clinton rejected the allegation that she had tried to hide the records. She wrote that she thought the documents had been lost until her assistant found them. "I certainly had no reason to conceal them and regretted that they had not been found earlier," Clinton wrote.

Starr's team also considered how Clinton probably would have had numerous advantages if a trial took place, as expected, in Arkansas or Washington, where jurors were likely to be supportive of the first lady.

Ultimately, instead of charging Hillary Clinton, the prosecutors decided to focus their energies on the Lewinsky issue.

Gormley, who is now president of Duquesne University in Pittsburgh, said his exhaustive review of the case led him to believe there was not a compelling case to indict Hillary Clinton. He said the April 1998 meeting occurred at a time when the investigation was otherwise stymied and that prosecutors, eager to make a case, considered the Hillary Clinton indictment as one of several strategies to potentially push it forward. "I got the sense that Starr prosecutors, generally, recognized there wasn't sufficient evidence," he said.

Rosenzweig, who is now a principal at a homeland security consulting company, said he continued to believe the group made the right decision not to seek an indictment. Still, he said he could remember leaving the all-day meeting "drained, disappointed, dismayed" that such a meticulous and lengthy part of the investigation had come to nothing.

Today, many Republicans are expressing similar frustrations about the FBI's inquiry into Clinton's email practices.

Comey has said he concluded that Clinton had been "extremely careless" in her handling of classified material but that there was no evidence she had broken the law by intentionally mishandling it. He insisted that her status as a famous former secretary of state, senator and first lady played no role in the decision.

That differs from the Starr prosecutors, who specifically weighed how her celebrity and political popularity might affect the jury in a criminal trial, Rosenzweig said. He said he does not think that Clinton personally has been afforded special treatment, now or in the 1990s — a charge often leveled by Republicans. But he said he thinks her case illustrates the way elites are generally treated differently in the justice system. "Our justice system is great — but it is imperfect," he said.

In an interview, Gormley said Comey's decision reminded him of a different episode in the Whitewater saga: the moment in 1992, not long before the presidential election, when Arkansas-based U.S. Attorney Charles Banks refused to reopen an Arkansas investigation that might implicate the Clintons. Banks told Gormley he had faced pressure from officials at a federal agency to do so but he refused, thinking the evidence did not warrant a probe, even though he would have benefited from the reelection of President George H.W. Bush, a Republican.

"Banks was very sensitive to the fact that if he were to get involved in this case again, with the presidential election looming so close, that would undermine the trust of the American public in our system of justice," Gormley said of Banks. "Comey reminded me of that unsung hero."

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Bulletin Intelligence

From:	Bulletin Intelligence
Sent:	Monday, July 11, 2016 7:26 AM
To:	USDOJ-Office of Public Affairs (SMO)
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Attachments:	agnb160711.pdf; agnb160711.doc; dojclips160711.pdf; dojclips160711.doc

Monday's Attorney General's News Briefing and Clips are attached.

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DEPARTMENT OF JUSTICE *NEWS CLIPS*

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TO: **THE ATTORNEY GENERAL AND SENIOR STAFF**

DATE: **MONDAY, JULY 11, 2016 7:30 AM EDT**

TODAY'S EDITION

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Other National News

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Non-Responsive Record

[redacted]

Perez: Clinton Has To Earn Back Trust

By Nick Gass

Politico, July 10, 2016

Hillary Clinton has some work to do when it comes to earning the trust of the American people, Labor Secretary Tom Perez said Sunday, as he defended the former secretary of state.

FBI Director James Comey's hearing before a House panel last Thursday "really illustrated ... exactly what we know, which is there was no criminal wrongdoing on Secretary Clinton's part," Perez told "Fox News Sunday."

"She made a mistake, she's acknowledged that and now, you know, they're continuing to hold those hearings and frankly those hearings really clarified what we know, which is that, again, there was no criminal wrongdoing and she shouldn't have done that and she acknowledged it was a mistake to do this," Perez said. "And she acknowledges that she has to earn the trust back."

It would not be the first time she has had to work to earn the public's trust, said Perez, whose name has been perpetually floated as a possible running mate.

"When she ran for governor of New York, and I grew up in upstate New York, there were a lot of skeptics about Hillary Clinton," Perez said, as host Shannon Bream corrected him for his misstatement.

"When she ran for Senate of New York, I'm sorry. There were a lot of skeptics in New York. And she earned their trust and then she got re-elected," Perez said.

Perez slammed Comey's hearing, which came two days after he announced that the FBI would not recommend charges be brought against Clinton in the investigation over her private email server.

"Secretary Clinton does not deny the fact that she made a mistake but she was getting materials from career officials at the Justice Department, at the State Department, people who know what they're doing and so she didn't second-guess that and, again, the hearing clarified a lot of this," Perez said. "And so, you know, thanks to the Republicans for that."

Hillary Clinton's Email Testimony Pursued In Federal Court

By Stephen Dinan

Washington Times, July 10, 2016

Prosecutors decided last week not to charge former Secretary of State Hillary Clinton over her secret email server, but a federal court could still force her to testify under oath after a conservative law firm petitioned the judge to force her to talk.

Judicial Watch, which has been pursuing Mrs. Clinton's emails for years through more than a dozen open-records lawsuits and has already subjected her top aides to depositions, petitioned Judge Emmet G. Sullivan on Friday to order Mrs. Clinton to talk. The group said there are questions only she can answer about how she handled her messages.

"It was her system. She was the primary driving force behind it and was its principal user," Judicial Watch said in its court filing. "Without Secretary Clinton's testimony, there can be no fair, rightful and conclusive answer to the court's questions."

Mrs. Clinton escaped legal jeopardy when FBI Director James B. Comey concluded that while she risked national security by mailing top-secret information on a server she kept at her home in New York, and while she may well have broken several federal laws, she was so unsophisticated in her understanding of technology and classification that she didn't know what she was doing.

Speaking for the first time publicly about the findings, Mrs. Clinton said that if she was reckless with security, it was because she was trusting her top aides, who were sending her the material.

She said those with whom she was mailing originated the information and they didn't see anything wrong with what they were sending, so she didn't see any reason to be worried herself.

"Over 300 people were on these email exchanges," she told CNN. "And these were experienced professionals who have had great years of dealing with classified material. And whatever they sent me, they did not believe and had, in my view, no reason to be at the time, that it was classified."

Mr. Comey said both Mrs. Clinton and her aides were "extremely careless" with classified information, though he cleared them of danger of criminal prosecution as well.

The FBI did not, however, focus on Mrs. Clinton's cooperation with open-records laws, which is the subject of Judicial Watch's civil lawsuit trying to get a look at the messages.

Judicial Watch has argued that the State Department should try to recover the 30,000 messages Mrs. Clinton refused to turn over to the government and, according to the FBI, which she then deleted. Judicial Watch says a government employee, rather than Mrs. Clinton's own attorneys, must review those emails to make sure they don't contain government records.

Indeed, the FBI concluded that thousands of emails Mrs. Clinton didn't turn over likely did contain government records.

Judicial Watch said it needs to talk with Mrs. Clinton to get to the bottom of that finding, too.

Mrs. Clinton's email practices have been the subject of repeated investigations, including one by the State Department, one by the FBI and the one overseen by the U.S. District Court for the District of Columbia.

Mrs. Clinton sat last weekend for more than three hours with a handful of FBI agents conducting a criminal investigation into her behavior — but the agents did not put her under oath and did not create a transcript of their interview with her.

The former secretary, who later this month plans to accept the Democratic presidential nomination, refused to talk with the State Department inspector general for his investigation into her compliance with open-records laws.

Mr. Comey said Mrs. Clinton did tell his agents some of the details about her decision-making, and he said he accepts her explanation that she used the server — which her husband had set up for his own purposes — out of convenience.

He did conclude that she broke the Federal Records Act, the law that requires government employees to store their official documents so they can be maintained and released to the public, Congress and the press.

Judicial Watch said its case against Mrs. Clinton was bolstered by an appeals court decision Tuesday that top administration officials can't shield themselves from their open-records obligations by shunting emails off onto private accounts.

The State Department argues that it never had control of Mrs. Clinton's email so it was never in a position to go through her messages.

Judicial Watch has already subjected several of Mrs. Clinton's top personal aides to depositions ordered by Judge Sullivan, including Cheryl Mills and Huma Abedin.

Ms. Mills, in her deposition, said nobody gave thought to whether Mrs. Clinton's messages were being properly saved to comply with the law. Ms. Abedin told Judicial Watch that it would "have to ask Mrs. Clinton" those questions.Please enable JavaScript to view the comments powered by Disqus.blog comments powered by

Whitewater Was No Close Call For Prosecutors

By David E. Kendall

Washington Post, July 10, 2016

As a matter of historical fact, it may be correct, as The Post reported Sunday, that Whitewater prosecutors now say they came "close" to filing charges against then-first lady Hillary Clinton back in the 1990s. As a matter of legal and factual analysis, from one who observed this investigation at every step: Never . . . a . . . close . . . call . . . at . . . all.

Putting aside significant ethical questions about the propriety of prosecutors casually reminiscing, decades later, about the potential guilt of subjects who were never charged, the facts speak for themselves. While independent counsel Kenneth W. Starr and his staff may have secretly hoped for and ruminated about the possibility of bringing a criminal case against Clinton, they never even presented an indictment to the many grand juries they used.

This was not for want of trying: The independent counsel investigation lasted eight years, generated more than 3,000 grand jury subpoenas, collected more than 10 million pages of documents and cost more than $70 million (unadjusted for inflation) — which dwarfed all other independent counsel investigations, including Iran-Contra, and exceeded the cost to the government of the failure of the savings and loan ostensibly under investigation. Clinton testified fully and truthfully under oath six times. If she had in fact given false testimony, there was an ample opportunity for prosecution.

Largely forgotten today is the origin of the Starr investigation, which was a failed $203,000 Arkansas land deal (Whitewater Development Corp.), in which the Clintons were passive investors. Notably, all loans and taxes were ultimately paid, and only the

Clintons (and their partners, James B. and Susan McDougal) lost money. After the McDougals abandoned the project, it fell to Hillary Clinton to ensure that the project's obligations were properly paid and accounted for, a role which led, many years later, to her minute scrutiny by the independent counsel.

The Post article quoted the Starr prosecutors as estimating a 10 percent chance of obtaining a conviction against the first lady. To be clear, the ability of that office to calibrate successfully the chances of prosecutorial success is hardly persuasive, particularly since it lost 3 out of 4 cases it took to trial, as well as both appeals it made to the Supreme Court.

It is now clear that the first Whitewater independent counsel, Robert B. Fiske Jr., a respected and experienced Republican prosecutor who had served as U.S. attorney for the Southern District of New York and had been nominated by President George H.W. Bush to be deputy attorney general, was set to close out the investigation within a year of his appointment. He was replaced by the court supervising independent counsels ostensibly because he had been appointed by then-Attorney General Janet Reno, herself an appointee of then-President Bill Clinton.

But that court then appointed Starr, a partisan with no prosecutorial experience who had offered to file a brief in the Paula Jones suit against Clinton. The Starr investigation dragged on interminably, despite a statutory mandate that it be "prompt, responsible, and cost-effective." It finally pivoted after four years to Monica Lewinsky in January 1998. The rest is lamentable history, which led to a bipartisan decision not to renew the independent counsel statute.

Except as a cautionary tale of prosecutorial excess, Whitewater is irrelevant today.

The writer, an attorney at Williams & Connolly, represents Hillary Clinton.

In Email Probe, Echoes Of Another Time Prosecutors Weighed Charging Hillary Clinton With A Crime

By Rosalind S. Helderman

Washington Post, July 9, 2016

Over the course of 16 hours, prosecutors and FBI agents agonized over whether to charge Hillary Clinton with a crime. In the end, after weighing every ounce of evidence, examining piles of documents and gaming out whether a jury would ever convict her, the group made its wrenching decision: no charges.

Nearly 20 years before FBI Director James B. Comey declared that "no reasonable prosecutor" would bring a criminal case against Clinton over her use of a private email server while secretary of state, Clinton narrowly escaped a similar legal peril amid the Whitewater investigation that engulfed much of her husband's time as president.

While history remembers the 1990s probe led by independent counsel Kenneth W. Starr for its pursuit of President Bill Clinton over the possibility he had lied under oath about his relationship with intern Monica Lewinsky, internal documents from the inquiry show how close prosecutors came to filing charges at that time against Hillary Clinton. They even drew up a draft indictment for Clinton, which has never been made public.

As in the email controversy of today, Clinton's honesty was a central question facing investigators in 1998 as they weighed whether what they saw as shifting stories from Clinton amounted to an attempt to cover up misconduct. Like the events of today, Clinton was interviewed for hours by authorities. Unlike the email inquiry, in which Comey said Clinton's status as a presidential candidate had no effect on the decision not to charge her, documents from the 1990s show how prosecutors weighed whether Clinton's political popularity would make her more difficult to convict.

At issue then was legal work Clinton had performed in the 1980s while an attorney at Little Rock's Rose Law Firm on behalf of Madison Guaranty Savings and Loan, which was owned by a business partner of the Clintons who was later convicted of fraud in connection with bad loans made by the thrift. Clinton said that her legal work was minimal and that she was unaware of the wrongdoing at Madison Guaranty.

The episode serves as a reminder of how long Clinton has faced scrutiny about her ethics and judgment, dating even to her days in the East Wing. It helps explain why public questions about her trustworthiness have been so difficult for her to overcome, as well as why she and her supporters have long felt targeted by their political opponents.

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"Then, as now, investigators were facing heavy outside pressure to generate a politically motivated prosecution," Fallon said. "The difference is, in the case of the secretary's emails, the Justice Department has resisted those partisan pressures, with career officials unanimously recommending that no case be brought. In the Whitewater investigation, which was not headed by career officials, the political forces exerted sufficient pressure to produce a bogus draft indictment — until, that is, the independent counsel's office was forced to relent in the face of the facts and consign that draft document to the dustbin of history."

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Document ID: 0.7.7995.5463-000003 20170503 - 0002105

O'Brien, Alicia C (OLA)

From: O'Brien, Alicia C (OLA)
Sent: Monday, July 11, 2016 9:53 AM
To: Herwig, Paige (OAG); Kadzik, Peter J (OLA)
Subject: updated
Attachments: Top Line TPs (redline update).docx; Top Line TPs (clean update).docx

Updated as discussed. Reviewing the opening statement now.

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

O'Brien, Alicia C (OLA)

From: O'Brien, Alicia C (OLA)
Sent: Monday, July 11, 2016 1:01 PM
To: Herwig, Paige (OAG); Pokorny, Carolyn (OAG)
Cc: Kadzik, Peter J (OLA)
Subject: final
Attachments: Top Line TPs (Final).docx

Alicia C. O'Brien
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(202) 305-8035
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Herwig, Paige (OAG)

From: Herwig, Paige (OAG)
Sent: Monday, July 11, 2016 4:14 PM
To: Carlisle, Elizabeth
Cc: Meadows, Bessie L (OAG); Pokorny, Carolyn (OAG); Newman, Melanie (OPA); Kadzik, Peter J (OLA)
Subject: Oral Statement for tomorrow
Attachments: AG Oral Statement Draft 07.11.16.docx

Hi Ma'am,

Please find attached a copy of your oral statement for tomorrow, per our conversation earlier.

Thanks,
Paige

Santel, James (OPA)

From: Santel, James (OPA)
Sent: Monday, July 11, 2016 6:46 PM
To: Carlisle, Elizabeth
Cc: Meadows, Bessie L (OAG); Pokorny, Carolyn (OAG); Herwig, Paige (OAG); Amuluru, Uma (OAG); Kadzik, Peter J (OLA); Newman, Melanie (OPA); Lewis, Kevin S. (OPA); Maccoby, Jacob D (OPA)
Subject: Updated Oral Statement for Tomorrow
Attachments: AG Oral Statement Draft3 07.11.16.docx

Good evening, ma'am,

Attached is an updated version of your oral statement for tomorrow, which includes the following language at the top in response to today's shooting in Michigan.

Please let us know any edits.

Thank you,

Jim

NEW LANGUAGE

(b) (5) [redacted]

[redacted]"

Statement of Attorney General Loretta E. Lynch
Before the House Judiciary Committee
Tuesday, July 12, 2016
Washington, D.C.

GOOD MORNING, CHAIRMAN [BOB] GOODLATTE, RANKING MEMBER [JOHN] CONYERS, AND DISTINGUISHED MEMBERS OF THE COMMITTEE. I AM GRATEFUL FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO DISCUSS HOW WE CAN CONTINUE WORKING TOGETHER TO ENSURE THE SECURITY OF OUR NATION, THE STRENGTH OF OUR COMMUNITIES, AND THE SAFETY OF OUR PEOPLE.

Document ID: 0.7.7995.5158-000001 20170503 - 0002338

AS WE GATHER HERE THIS MORNING, I KNOW THAT WE'RE ALL THINKING OF THE TWO BAILIFFS WHO WERE KILLED AND THE SHERIFF'S DEPUTY WHO WAS WOUNDED IN A SHOOTING AT A COURTHOUSE IN MICHIGAN YESTERDAY. THE DEPARTMENT OF JUSTICE STANDS READY TO PROVIDE WHATEVER HELP WE CAN TO STATE AND LOCAL AUTHORITIES AS THEY INVESTIGATE THIS HEINOUS CRIME, AND OUR SINCEREST CONDOLENCES ARE WITH THE FRIENDS, COLLEAGUES, AND LOVED ONES OF THE DEVOTED PUBLIC SERVANTS THAT WE LOST.

Document ID: 0.7.7995.5158-000001 20170503 - 0002339

THIS INCIDENT FOLLOWS ON THE HEELS OF THE SERIES OF DEVASTATING EVENTS THAT ROCKED OUR NATION LAST WEEK: THE TRAGIC DEATHS OF ALTON STERLING IN LOUISIANA AND PHILANDO CASTILE IN MINNESOTA, AND THE DEPLORABLE MURDER OF FIVE BRAVE DALLAS POLICE OFFICERS LORNE AHRENS, MICHAEL KROL, MICHAEL SMITH, BRENT THOMPSON, AND PATRICK ZAMARRIPA, WHO WERE PROTECTING A PEACEFUL PROTEST, ALONG WITH SEVERAL OF THEIR COMRADES WHO WERE WOUNDED. THE DEPARTMENT OF JUSTICE

Document ID: 0.7.7995.5158-000001 20170503 - 0002340

INCLUDING THE FBI, ATF, U.S. MARSHALS SERVICE, AND OUR U.S. ATTORNEY'S OFFICE IN THE NORTHERN DISTRICT OF TEXAS IS WORKING CLOSELY WITH OUR STATE AND LOCAL COUNTERPARTS, AND WE WILL OFFER ANY ASSISTANCE WE CAN AS THE INVESTIGATION IN DALLAS UNFOLDS. AMONG OTHER RESOURCES, WE WILL SEND ASSISTANCE TO THE VICTIMS AND THEIR FAMILIES. OUR HEARTS ARE BROKEN FOR THE FAMILIES AND LOVED ONES OF THOSE WE LOST IN THESE TRAGIC EVENTS. AND OUR GRATITUDE GOES OUT TO THE BRAVE MEN AND

Document ID: 0.7.7995.5158-000001 20170503 - 0002341

WOMEN WHO WEAR THE BADGE, AND WHO RISK

THEIR LIVES EVERY DAY TO KEEP US SAFE.

AS WE GRAPPLE WITH THE AFTERMATH OF

THESE EVENTS, THE DEPARTMENT OF JUSTICE WILL

CONTINUE TO DO EVERYTHING IN OUR POWER TO

BUILD BONDS OF TRUST AND COOPERATION

BETWEEN LAW ENFORCEMENT AND THE

COMMUNITIES WE SERVE. THAT WORK HAS NEVER

BEEN MORE DIFFICULT OR MORE IMPORTANT. WE

WILL CONTINUE TO OFFER OUR STATE AND LOCAL

PARTNERS FUNDING, TRAINING, AND TECHNICAL

Document ID: 0.7.7995.5158-000001 20170503 - 0002342

ASSISTANCE FOR CRITICAL PROGRAMS AND ASSETS LIKE BODY-WORN CAMERAS, DE-ESCALATION TRAINING, AND EDUCATION IN IMPLICIT BIAS. IN FACT, IN THE LAST MONTH, WE ANNOUNCED THAT WE WOULD BEGIN PROVIDING IMPLICIT BIAS TRAINING TO FEDERAL LAW ENFORCEMENT AGENTS AND PROSECUTORS. WE WILL CONTINUE TO PROMOTE THE RECOMMENDATIONS OF THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING THROUGH TRAINING AND TECHNICAL ASSISTANCE. OUR CIVIL RIGHTS DIVISION PLAYS A

Document ID: 0.7.7995.5158-000001 20170503 - 0002343

CRITICAL ROLE IN ENSURING CONSTITUTIONAL

POLICING AND ACCOUNTABILITY, AND REBUILDING

TRUST WHERE TRUST HAS ERODED. AND THROUGH

OUR OFFICE OF JUSTICE PROGRAMS AND OUR OFFICE

OF COMMUNITY ORIENTED POLICING SERVICES, WE

WILL CONTINUE TO GIVE LOCAL DEPARTMENTS THE

TOOLS THEY NEED AND THE TRAINING THEY

REQUIRE TO COME HOME SAFELY FROM FUNDS FOR

BULLETPROOF VESTS TO TRAINING IN OFFICER

HEALTH, SAFETY, AND WELLNESS.

Document ID: 0.7.7995.5158-000001 20170503 - 0002344

AT THE SAME TIME THAT WE'RE WORKING TO SUPPORT POLICE AND CITIZENS IN THEIR EFFORTS TO BUILD STRONGER AND MORE UNITED COMMUNITIES, WE REMAIN COMMITTED TO KEEPING THOSE COMMUNITIES SAFE AND SECURE. JUST A MONTH AGO TODAY, 49 INNOCENT AMERICANS WERE KILLED IN AN ATTACK ON THE PULSE NIGHTCLUB IN ORLANDO AN APPALLING ACT OF TERROR AND HATE THAT UNDERSCORED THE URGENCY OF CONFRONTING THREATS TO OUR NATION WHEREVER THEY EMERGE AND WHATEVER FORM THEY TAKE.

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THERE IS NO RESPONSIBILITY THAT THIS DEPARTMENT TAKES MORE SERIOUSLY. WE ARE MOVING AGGRESSIVELY AGAINST THOSE WHO SEEK TO RECEIVE TRAINING FROM, OR ARE INSPIRED BY, FOREIGN VIOLENT EXTREMIST GROUPS, AND WE HAVE ARRESTED MORE THAN 90 INDIVIDUALS SINCE 2013 FOR CONDUCT RELATED TO FOREIGN FIGHTER ACTIVITY AND HOMEGROWN VIOLENT EXTREMISM. AND WE ARE WORKING CLOSELY WITH OUR COUNTERPARTS ABROAD TO PURSUE TERRORISTS AND INVESTIGATE ATTACKS AROUND THE WORLD.

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AS THE RECENT INCIDENTS IN TURKEY, BANGLADESH, IRAQ, AND SAUDI ARABIA HAVE REMINDED US, TERROR KNOWS NO BORDERS, AND IN THE FACE OF VIOLENT EXTREMISM, WE MUST STAND WITH OUR GLOBAL PARTNERS IN UNITY, READINESS, AND RESOLVE.

I WANT TO CLOSE WITH A COMMENT ABOUT THE INVESTIGATION OF SECRETARY CLINTON'S USE OF A PERSONAL EMAIL SYSTEM DURING HER TIME AS SECRETARY OF STATE. AS YOU ARE AWARE, LAST WEEK I MET WITH DIRECTOR COMEY AND CAREER

Document ID: 0.7.7995.5158-000001 20170503 - 0002347

PROSECUTORS AND AGENTS WHO CONDUCTED THAT INVESTIGATION. I RECEIVED AND ACCEPTED THEIR UNANIMOUS RECOMMENDATION THAT THE THOROUGH, YEAR-LONG INVESTIGATION BE CLOSED AND NO CHARGES BE BROUGHT AGAINST ANY INDIVIDUALS WITHIN THE SCOPE OF THE INVESTIGATION. WHILE I UNDERSTAND THAT THIS INVESTIGATION HAS GENERATED SIGNIFICANT PUBLIC INTEREST, AS ATTORNEY GENERAL, IT WOULD BE INAPPROPRIATE FOR ME TO COMMENT FURTHER ON THE UNDERLYING FACTS OF THE

Document ID: 0.7.7995.5158-000001 20170503 - 0002348

INVESTIGATION OR THE LEGAL BASIS FOR THE TEAM'S RECOMMENDATION. I CAN TELL YOU THAT I AM EXTREMELY PROUD OF THE TREMENDOUS WORK OF THE DEDICATED PROSECUTORS AND AGENTS ON THIS MATTER.

THANK YOU.

Document ID: 0.7.7995.5158-000001 20170503 - 0002349

O'Brien, Alicia C (OLA)

From: O'Brien, Alicia C (OLA)
Sent: Monday, July 11, 2016 6:51 PM
To: Herwig, Paige (OAG)
Cc: Kadzik, Peter J (OLA)
Subject: last 2
Attachments: HSBC (2016-07-11 New).doc (b) (5)

HSBC paper:

(b) (5)

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

Non-Responsive Record

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

July 12, 2016

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Assistant Attorney General for Legislative Affairs

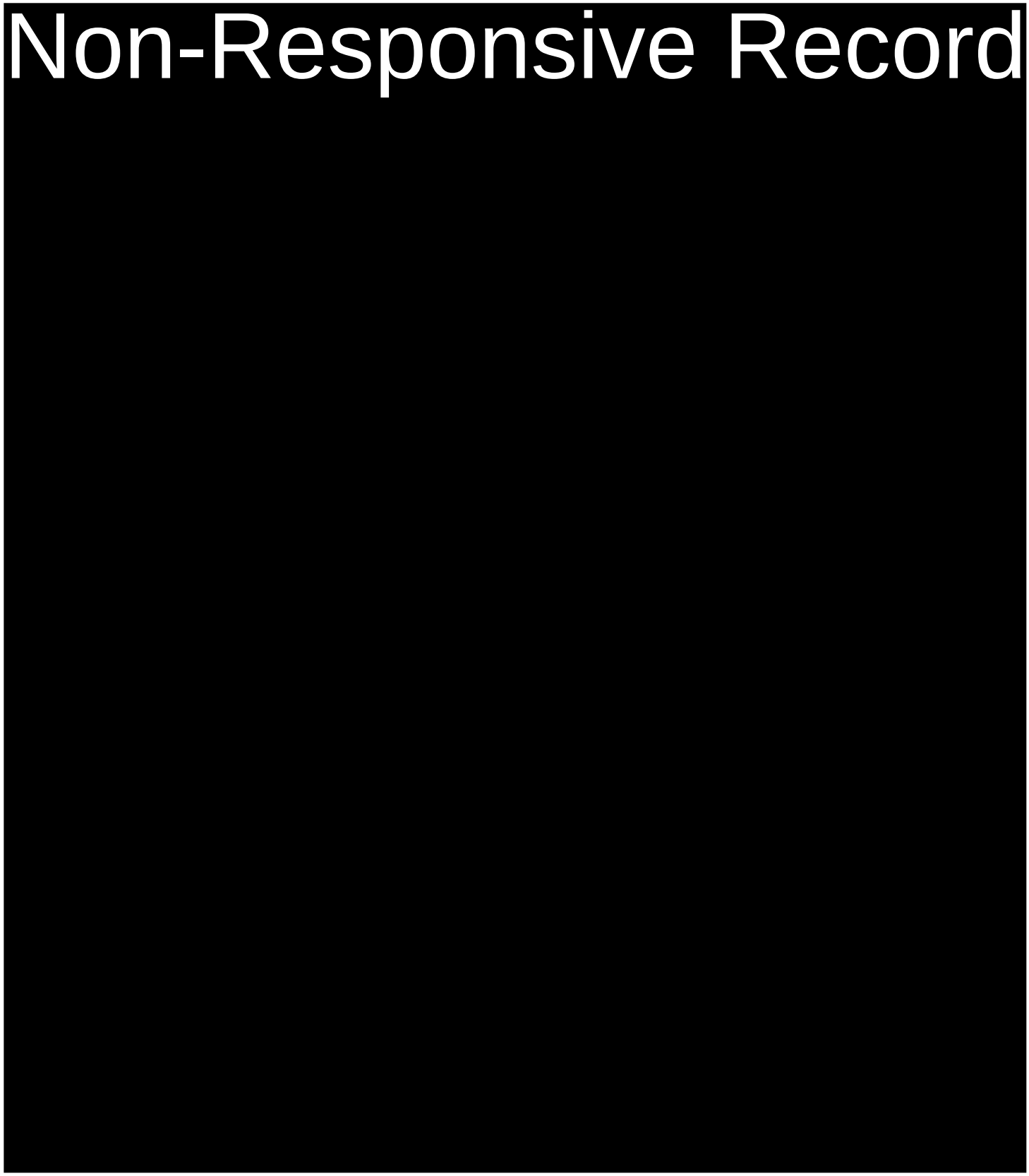
SUBJECT: Weekly Report for July 11, 2016, through July 15, 2016

The House and the Senate are in session this week.

The following is a summary of our current activities:

Non-Responsive Record

Document ID: 0.7.7995.5008-000001 20170503 - 0002369


Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

D. Briefings

Non-Responsive Record

2. **State Department Investigation:** On Tuesday, July 12, 2016, at 3:00 p.m., in 304 House Visitor Center, James Comey, Director of the FBI, will brief Members of the House Permanent Select Committee on Intelligence on the Federal Bureau of Investigation's recommendation not to prosecute former Secretary of State Hillary Clinton for maintaining a private server.

Non-Responsive Record

Document ID: 0.7.7995.5008-000001 20170503 - 0002371

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

USDOJ-Office of Public Affairs (SMO)

From: USDOJ-Office of Public Affairs (SMO)
Sent: Tuesday, July 12, 2016 10:27 AM
To: USDOJ-Office of Public Affairs (SMO)
Subject: ATTORNEY GENERAL LORETTA E. LYNCH TESTIFIES BEFORE THE HOUSE JUDICIARY COMMITTEE

Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, JULY 12, 2016
WWW.JUSTICE.GOV

AG
(202) 514-2007
TTY (866) 544-5309

ATTORNEY GENERAL LORETTA E. LYNCH TESTIFIES BEFORE THE HOUSE JUDICIARY COMMITTEE

Testimony as prepared for delivery

WASHINGTON, D.C.

Good morning, Chairman [Bob] Goodlatte, Ranking Member [John] Conyers and distinguished members of the Committee. I am grateful for the opportunity to appear before you today to discuss how we can continue working together to ensure the security of our nation, the strength of our communities and the safety of our people.

As we gather here this morning, I know that we're all thinking of the two bailiffs who were killed and the sheriff's deputy who was wounded in a shooting at a courthouse in Michigan yesterday. The Department of Justice stands ready to provide whatever help we can to state and local authorities as they investigate this heinous crime and our sincerest condolences are with the friends, colleagues and loved ones of the devoted public servants that we lost.

This incident follows on the heels of the series of devastating events that rocked our nation last week: the tragic deaths of Alton Sterling in Louisiana and Philando Castile in Minnesota and the deplorable murder of five brave Dallas police officers – Lorne Ahrens, Michael Krol, Michael Smith, Brent Thompson and Patrick Zamarripa, who were protecting a peaceful protest, along with several of their comrades who were wounded. The Department of Justice – including the FBI, ATF, U.S. Marshals Service and our U.S. Attorney's Office in the Northern District of Texas – is working closely with our state and local counterparts and we will offer any assistance we can as the investigation in Dallas unfolds. Among other resources, we will send assistance to the victims and their families. Our hearts are broken for the families and loved ones of those we lost in these tragic events. And our gratitude goes out to the brave men and women who wear the badge and who risk their lives every day to keep us safe.

As we grapple with the aftermath of these events, the Department of Justice will continue to do

As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build bonds of trust and cooperation between law enforcement and the communities we serve. That work has never been more difficult – or more important. We will continue to offer our state and local partners funding, training and technical assistance for critical programs and assets like body-worn cameras, de-escalation training and education in implicit bias. In fact, in the last month, we announced that we would begin providing implicit bias training to federal law enforcement agents and prosecutors. We will continue to promote the recommendations of the President's Task Force on 21st Century Policing through training and technical assistance. Our Civil Rights Division plays a critical role in ensuring constitutional policing and accountability and rebuilding trust where trust has eroded. And through our Office of Justice Programs and our Office of Community Oriented Policing Services, we will continue to give local departments the tools they need and the training they require to come home safely – from funds for bulletproof vests to training in officer health, safety and wellness.

At the same time that we're working to support police and citizens in their efforts to build stronger and more united communities, we remain committed to keeping those communities safe and secure. Just a month ago today, 49 innocent lives were taken in an attack on the Pulse nightclub in Orlando – an appalling act of terror and hate that underscored the urgency of confronting threats to our nation wherever they emerge and whatever form they take. There is no responsibility that this department takes more seriously. We are moving aggressively against those who seek to receive training from, or are inspired by, foreign violent extremist groups and we have arrested more than 90 individuals since 2013 for conduct related to foreign fighter activity and homegrown violent extremism. And we are working closely with our counterparts abroad to pursue terrorists and investigate attacks around the world. As the recent incidents in Turkey, Bangladesh, Iraq and Saudi Arabia have reminded us, terror knows no borders and in the face of violent extremism, we must stand with our global partners in unity, readiness and resolve.

I want to close with a comment about the investigation of Secretary Clinton's use of a personal email system during her time as Secretary of State. As you are aware, last week I met with Director Comey and career prosecutors and agents who conducted that investigation. I received and accepted their unanimous recommendation that the thorough, year-long investigation be closed and no charges be brought against any individuals within the scope of the investigation. While I understand that this investigation has generated significant public interest, as Attorney General, it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation. I can tell you that I am extremely proud of the tremendous work of the dedicated prosecutors and agents on this matter.

Thank you.

# # #

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

Newman, Melanie (OPA)

From: Newman, Melanie (OPA)
Sent: Tuesday, July 12, 2016 5:33 PM
To: Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA); Herwig, Paige (OAG); Pokorny, Carolyn (OAG)
Subject: FW: AG Hearing Rough Transcript
Attachments: 07122016AGHouseHearingRoughTranscript.docx

Here's an early rough transcript. Please note there is a gap in the transcript, per below. Thanks.

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Cel (b) (6)
@MelanieDOJ

From: Lau, Tiffany (JMD)
Sent: Tuesday, July 12, 2016 4:32 PM
To: Newman, Melanie (OPA); Lewis, Kevin S. (OPA); Jacobs, David F. (OPA); Stewart, Rebecca L. (PAO); James, Kelli D. (OPA)
Cc: Jarrell, Matthew (OPA); Castor, Olivia (OPA); Jenkins, Vendarryl (OPA)
Subject: AG Hearing Rough Transcript

Hi all,
The rough transcript is attached. (There's a section missing from after the first recess; it's around 12:45-1:03.) Please let us know if there are any questions you'd like us to edit in full or if there's anything else we can help with!

Department of Justice
Rough Transcript - Attorney General's House Judiciary Committee Hearing
July 12, 2016

July 12, 2016, 10:08:27 EDT - CNN - The Newsroom with Carol Costello

10:08:27 - 10:18:17
http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=ea4e9cb6-6cc7-430b-bc30-52cbdf778b1d

CHAIRMAN BOB GOODLATTE OF THE HOUSE JUDICIARY COMMITTEE: good morning. the judiciary committee will come to order. without objection the chair is authorized to declare recesses at any time. we welcome everyone to this morning's hearing and oversight of the department of justice, and i will begin by recognizing myself for an opening statement. welcome, general lynch, to your second appearance before the house judiciary committee. the flags over the capitol are flying at half masta in recognition of the five dallas police officers murdered in cold blood last week. this was not an arrest gone wrong. the person who carried out this appalling act of terror and hate stalked and murdered five police officers and injured seven others and two civilians ostensibly in retaliation for recent police shootings including the shootings in minnesota and louisiana last week. we mourn all those tragedies. the divisiveness between police and our communities must end. i ask we observe a moment of silence for all those who lost their lives in these tragedies. thank you. we must not give in to hate and let's motion prij reason. we must bridge the divide and embrace one another as americans. we must have faith that the institutions that have sustained our republic for the last 240 years will deliver fair, impartial justice to victims of crime and punish the guilty. i look forward to your thoughts on this important matter. the american people also expect government officials to abide by the law just like everyone else, and to be reprimanded when they break the law. that's pretty much the case from former secretary of state hillary clinton. last week fbi director james comey announced he would not recommend criminal charges against secretary clinton for her use of a private e-mail server while at the state department and the mishandling of classified information. the timing of and circumstances surrounding this announcement are particularly troubling. on monday, june 27, attorney general lynch, you met privately with former president bill clinton aboard your plane on the tarmac of the phoenix airport. despite the fact that his wife was the target of an ongoing criminal investigation. this encounter is even more troubling if the fbi is also investigating improper donations to the clinton foundation which was founded by former president clinton, a member of the foundation's board of directors. five days later, the fbi held et cetera first and only interview with sk tear clinton after a year-long investigation. three days later and on the first day back from a holiday weekend, director comey publicly announced that he was not recommending charges against secretary clinton. a mere 24 hours later, attorney general lynch, you issued a press release announcing no charges would be brought against secretary clinton. while director comey may have refused to criminally indict hillary clinton, his announcement and testimony is nonetheless a public indictment of her conduct and character. though director comey declined to recommend charges, he laid out sufficient facts to warrant a referral to the justice department. that forces one to confront the queson of whether someone who was not in secretary clinton's position would have faired as well with the fbi as she did. secretary clinton stated repeatedly that no classified information was contained within her private e-mail system. the fbi found 110 e-mails in 52 e-mail chains contain classified information at the time they were sent or received.

secretary clinton stated repeatedly that no information in her e-mails was marked classified. this was not true. the fbi found some of these e-mails were marked classified. secretary clinton said all relevant e-mails were returned to the state department. this is not true. the fbi found thousands of work-related e-mails that were not returned. all this evidence, according to director comey, amounted only to, quote, extreme carelessness by secretary clinton and her staff. and although the director admitted there is evidence of potential violations of the statutes regarding the handling of classified information, he went so far as to publicly declare that, quote, no reasonable prosecutor would bring such a case. this defies logic and the law. contrary to director comey's assertions, the law does not require evidence that a person intended to harm the united states in order to be criminally liable for the mishandling of classified information. to be sure, congress has set forth a variety of statutes on this subject with different intent requirements and penalties. were a rank-and-file federal employee to do what secretary clinton did, they would face severe punishment including termination, revocation of security clearances or criminal prosecution. even director comey acknowledged this fact at a recent congressional hearing. but secretary clinton is not facing prosecution for her actions. this has now become an issue for congress in that it appears secretary clinton testified falsely when appearing under oath before the select committee on benghazi. yesterday i and oversight and government reform chairman chafe fets asked the united states attorney for the district of columbia to investigate secretary clinton's testimony before congress. secretary clinton's extreme carelessness possibly jeopardized the safety and security of our citizens and nation. her extreme carelessness suggests she can't be trusted with the nation's most sensitive secrets if she is nevertheless expected president. frankly, the fbi's conclusion leaves many more questions than answers, and we hope, madam attorney general, to get answers to those questions today. thank you and it's now my pleasure to recognize the ranking member from michigan, mr. conyers for her opening statement.

REPRESENTATIVE JOHN CONYERS OF MICHIGAN: thank you, chairman and welcome madam attorney general for being with us today. the news of the past few days have been full of questions about violence, civil rights and the safety of our police officers. i want you to know that we take seriously the burden of each of these questions on your office. it will not have escaped your attention that we're in the middle of an election season. you may also know that there are just three working days left until we break for the summer and really not much more time after that until the congress ends. elections are about choice ss, and a short working schedule is about seth priorities. as you are no doubt aware, one of this committee's top legislative priorities is criminal justice reform. we've already found consensus on a range of such issues including sentencing, prison and asset forfeiture reform. the chairman of this committee and i also stand on the precipice of an agreement on policing reform legislation. given the events of the past week, the need for this measure has never been more urgent. questions about the use of lethal force by police are not new, but the nation is newly engaged, and the issue after ferguson, staten island, cleveland, north charleston and baltimore. over the past week, we saw the same sad themes play out in baton rouge and minnesota as well as the horrific killing of five police officers in dallas. i believe it's more critical than ever that we reach a final agreement on police accountability and standards. at the time when african-americans are 30% more likely than whites to be pulled over while driving, more than three times likely to have their car searched and more than twice as likely to be shot by police, it is imperative that we restore public faith in our criminal justice system. we must finish this work for both the communities that feel so much anguish this week and for the officers who patrol our streets every day. it's my sin tear hope we

consider thimatterefore we adjourn. unfortunately there are many other areas where we are not been able to advance bipartisan …

10:18:17 - 10:28:17
http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=4ff989c3-152c-44b3-a7de-424065e362db

CONYERS: … initiatives. i'd like to tell you that we are prepared to have a substantive discussion about the manner in which we will restore section 5 of the voting rights act. the pre clearance mechanism was used for decades by your department to restore a sense of fairness in jurisdictions that have known prejudice for generations. since it was struck down, we have seen at least 17 states enact measures designed to restrict access to the ballot box. bipartisan legislation has been introduced that would have restored this vital tool long before voting began this year. but mr. sen sin burner of was con's legislation sits untouched. i would also like to tell you that we are prepared to address the discourage of gun violence in this country. the events last week in baton rouge and minnesota and in dallas and the anger and sadness felt in communities across the nation are what one commentator aptly called the horrific predictable result of a widely armed citizenry. this epidemic claims nearly 33,000 individuals every year. it inaffects our churches, our schools, our homes. it places our police officers into the direct line of fire. it makes our citizens afraid, but we've not held a single hearing on this topic, not when 26 children and teachers were murdered at sandy hook, not when our colleague was shot in phoenix and not when the body count reached 49 in orlando. last month every democratic member of this committee wrote to our chairman goodlatte with a list of specific policy proposals to address this violence and, to date i'm sorry to say we have received no response. i would also like to tell you, madam attorney general, that we have an answer for the millions of undocumented immigrants who came here in search of a better life but wereare forced to live in the shadows. some of us have put a great deal of effort into antagonizing and vilifying that community. this community has offered very few solutions acknowledging that these families are here to stay. elections are about choices, madam attorney general. there are only three working days, some count it less, left this month, and then we adjourn for seven weeks. how will my colleagues on the other side of the aisle choose to fill that time? today apparently secretary hillary clinton's e-mail takes precedence over gun violence and civil rights. let us be clear the criminal investigation is closed. there was no intentional wrongdoing. director comey whose reputation for independence and integrity is unquestioned has explained his reasoning in great detail. if any of my colleagues are not yet convinced, it is because they do not want to be convinced, and in their zeal to call secretary chin ton a liar or maybe even a criminal, despite the fact and despite the law, i fear we will have maceissed an opportunity to engage with you on more worthy subjects. we may also spend time today talking about the alleged wrongdoings of commissioner cosco anyone of the internal revenue service. some of my colleagues want to use one of the remaining working days before the break to move his impeachment directly to the house floor. i hope they do not. in many way ss this gesture is totally meaningless. there is bipartisan consensus that the commissioner's critics have not proved their case and there is virtually no chance of a conviction in the senate. but i believe that the rush to impeachment although ineffectual would set a dangerous precedent for the congress and the american people. once we cross this line, e with write a new rule. whatever the merits of the charges the house may impeach an official without due process, without the right to counsel, without the right to present evidence evidence, without evidence presented to this committee and without the right questionsf the evidence presented

against him. elections are about choices. here is the choice we face as the clock runs down on the 114th congress. we can spend a few days that remain on conspiracy theories and political snipe inging that drives our constituents further apart from our neighbors, or recan attempt to solve one of the longest of problems facing this country today. we should choose to do work, the work we were sent here to do or the public is right to choose somebody else to do it. so i look forward to our conversation today, madam attorney general lynch. i think the chairman and i yield back.

GOODLATTE: thank you, mr. conyers. without objection, all the mem members' opening statements will be made a part of the record. we welcome our distinguished witness today. general lynch, if you would please rise, i'll begin by swearing you in. >> do you swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you god?

ATTORNEY GENERAL LORETTA LYNCH: i do.

GOODLATTE: thank you. let the record reflect the witness has responded in the affirmative. attorney general loretta lynch was sworn in as the 83rd attorney general of the united states on april 27, 2015. ms. lynch began her career in public service by joining the united states attorneys office for the eastern district of new york. after nine years miss lynch was appointed by president bill clinton to lead that office as united states attorney, a post she held until 2001. ms. lynch then worked in private practice until 2010 when president obama asked her to resume leadership of the united states attorneys office in brooklyn. ms. lynch is a graduate of harvard college and harvard law school. general lynch, welcome. your entire testimony will be made a part of the record. we ask that you summarize your testimony in five minutes. thank you and you may begin.

AG LYNCH: thank you, sir. good morning, chairman goodlatte, ranking member conyers and the distinguished members of this committee. i'm grateful for the opportunity to appear before you today to discuss how we can continue working together to ensure the security of our nation and the strength of our communities and the safety of our people. as we gather here this morning, i know we are all thinking of the two bailiffs who were killed and the sheriff's deputy who was wounded in the shooting in the courthouse in michigan yesterday. the department of justice stands ready to provide whatever help we can to state and local authorities as they investigate this heinous crime and our sincerest condolences are with the friends, colleagues and loved ones of the devoted public servants we lost. of course, this incident follows on the heels of a series of devastating events that rocked our nation last week. the tragic deaths of alton sterling in louisiana and philando castile in minnesota and deployable murder of five brave dallas police officers, lorne ahrens, michael krol, michael smith, brent thompson and patrick zamarripa who were protecting a peaceful protest along with several comrades who were wounded. the department of justice including fbi, atf, u.s. marshall service and u.s. attorney's office in the northern district of texas is working closely with our state and local counterparts and we will offer any assistance we can as the investigation in dallas unfolds. among other resources, we will send assistance to the victims and their families. hearts are literally broken for the families and loved ones of those we lost in these tragic events 679 our gratitude goes out to the brave men and women

10:28:17 - 10:38:17

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AG LYNCH: … who wear the badge, who carry of safety on their shoulders and risk their lives every day to keep us safe. as we grapple with the aftermath of these events, the department of justice will continue to do everything in our power to build the bonds of trust and cooperation between law enforcement and the communities that we serve. that has never been more difficult nor more important. we continue to offer our state and local partners' funding, training, body worn cameras, deescalation training, education and implicit bias. in the last month we announced we announced we would provide it to federal law enforcement agents and prosecutors. we will continue to promote the recommendations of the president's task force on 21st century policing through training and technical assistance. our civil rights division plays a critical role in ensuring constitutional policing and accountability and in rebuilding trust where trust has eroded. through our office of justice programs and our office of community policing services, we will continue to give local departments the tools they need and training they require to come home safely. from funds for bulletproof vests to training in officer health, safety and wellness. at the same time that we are working to support police and citizens in their of forts to bring stronger and more united communities, we remain committed to keeping those communities safe and secure. just one month ago today, 49 innocent lives were take even in an attack on the pulse nightclub in orlando, an appalling act of terror and of hate that underscored the urgency of confronting threats to our nation wherever they've merge and whatever form they take. there's no responsibility that this department takes more seriously. we're moving aggressively for those who seek to receive training from or are inspired by foreign violent extremist groups, and we've arrested more than 90 individuals since 2013 for conduct related to foreign fighter activity and home-grown violent extremism. we're working closely with our counterparts abroad to pursue terrorists and investigate attacks around the world. as the recent ins dmens turkey, bangladesh, iraq and saudi arabia have reminded us, terror knows no borders. in the face of violent extremism we must stand with our global partners in readiness and resolve. i want to close with a comment about the investigation of secretary clinton's use of her personal e-mail server during her time as secretary of state. as you are aware, last week i met with director comey and career prosecutors and at who conducted that investigation. i received and accepted their unanimous recommendation that the thorough year-long investigation be closed and no charges be brought against any individuals within the scope of the investigation. while i understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation. but i can tell you that i am extremely proud of the tremendous work of the dedicated prosecutors and agents on this matter. thank you for this opportunity to make this opening statement.

GOODLATTE: thank you, general lynch. we'll now proceed under the five-minute rule with questions for the witnesses. i'll begin by recognizeing myself. before being confirmed as attorney general in may of last year, youe fst nominated by president obama to serve as united states attorney for the eastern district of new york and originally appointed to the u.s. attorney post in 1999 by former president bill clinton. the existence of secretary clinton's private e-mail server was first brought to light in march of last year, one month before your confirmation as attorney general. a few months after your confirmation, the inspectors general of state and national intelligence requested the department of justice investigate whether classified information was

stored on her private e-mail servers. the fbi opened an investigation into the matter. given she was a political appointee of your current boss and more importantly the wife of your previous boss, why did you not see fit to recuse yourself from the investigation? wouldn't recusal or appointment of a special prosecutor have removed any appearance of impropriety given your service during bill clinton's presidency?

LYNCH: thank you for the question, mr. chairman. as i've said on several occasions before, when the referral came into the department of justice it was received and referred to experienced, dedicated career agents and prosecutors who handle matters of this type every day with independence, with efficiency, with thoroughness, and the matter was handled like any other matter. it was reviewed through the chain by those independent career agents and prosecutors. in considering the matter, there was no connection, there was no need for recusal or an independent prosecutor. as i indicated before, i'm incredibly proud of the dedicated work they did over the past year.

GOODLATTE: let me follow up on that then. two weeks ago, roughly a year into the fbi's investigation and a mere week before director comey's announcement, you met privately with your former boss, former president bill clinton, on your plane at the phoenix airport. why was this meeting, particularly in light of your previous appointment by president clinton, not grounds for recusing yourself?

LYNCH: with respect to my conversation i had with former president clinton in phoenix, it was a conversation that was held on the airplane, on the tarmac. the former president indicated he wanted to say hello. i agreed to say hello. we had a social conversation. nothing of any relationship to the e-mail investigation was discussed, nor were many specific cases or matters before the department of justice discussed.

GOODLATTE: we'll have followup questions to that later. but let me turn your attention to director comey's conclusions on a variety of points. secretary clinton stated she never sent or received information marked as classified on her server. director comey stated that was not true. do you agree with director comey?

LYNCH: director comey has chosen to provide great details on the basis of his recommendations ultimately provided to me. he's chosen to provide detailed statements. i as attorney general am not able to provide any further comment ton facts or the substance of the investigation.

GOODLATTE: general lynch, i think you would agree that the ultimate responsibility for a prosecutorial decision does not rest with the federal bureau of investigation but with the department of justice which you head. have you not taken a close look at the work done by director comey especially given the extreme national interest on this issue to make a determination whether you and those working for you agree or disagree with director comey?

LYNCH: as i indicated, i received the recommendation of the team, and the team was composed of prosecutors and agents, it was a unanimous recommendation as to how to resolve the investigation and the information they had received --

GOODLATTE: do you agree with the conclusion?

LYNCH: i accepted that recommendation. i saw no reason not to accept it. i reiterate my pride and faith in their work.

GOODLATTE: secretary clinton said she did not e-mail classified material. director comey says there was classified information e-mailed. do you agree with that?

LYNCH: i would have to direct you to director comey's statement.

GOODLATTE: director comey says there's evidence of violations of the stuts regarding the handling of classified information. do you agree with director comey's statements?

LYNCH: again, i would direct you to director comey as for the basis of his statements.

GOODLATTE: general lynch, director comey made a recommendation, but made a recommendation to the department of justice which you head. you would have to come to the final conclusion on whether or not to act. i would presume before you acted, you would look at his conclusion to determine whether you agreed with them or not.

LYNCH: as i indicated i received a briefs from the team which included, not just the prosecutor, but the agents and director comey. their unanimous recommendation was accepted.%-p

GOODLATTE: let me ask you one final question that does not regard the specific facts with regard to secretary clinton. director comey said there was not clear evidence secretary clinton or her colleagues intended to violate laws regarding the handling of classified information. my question is, is intent to violate the law a requirement under 18 usc section 793-f?

LYNCH: i think the statutes that were considered here speak for themselves. to answer further would require a discussion of the facts and the analysis of this matter which as i've indicated i'm not in a position to provide at this time. the team reviewed this matter and it was a unanimous team decision.

GOODLATTE: you made a decision following their recommendation toou that you were not going to prosecute and the matter was closed, is that correct?

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LYNCH: i made the decision some time ago i would accept the recommendation of that teamnd was awaiting that recommendation. when i received it, there was no basis not to ak sicht. i reiterate my pride and faith in them.

GOODLATTE: i appreciate your faith in them. the concern here is regard to your sworn oath to uphold the united states constitution and the laws there under including 18 usc section 1924, and to conclude no prosecution would take place without examining and drawing conclusions regarding the questions i've just asked does not seem to be a responsible way to uphold your

constitutionally sworn oath. at this time, i'd recognize the ranking member of the committee, the gentleman from michigan, mr. conyers for his questions.

CONYERS: thank you. thank you for being here again, attorney general, and thank you very much for your frank and candid discussion with us that is now taking place. i'm looking for answers and views of some events that i'm going to string together and ask you to discuss as far as you can and in an appropriate manner. baton rouge, louisiana police shot and killed ashton -- alton sterling. video shows that he was shot while being pinned to the ground by two officers. outside of minneapolis, police shot and killed philando castile at what should have been a routine traffic stop. he was armed, but reports suggest that he repeatedly told police that he had a valid permit for the weapon. in dallas, a gunman killed five police officers and wounded seven others in what appeared to be a well-planned attack. this terrible act in the middle of and other wise peaceful protest in a city that has become a model for community engaged policing. so i think you're qualified to advise us here as both the chief law enforcement offer? the united states and the first african-american woman to hold that post. how can we make sense of these events during these trying times, ma'am?

LYNCH: thank you, congressman, for the opportunity to speak on these issues. i believe you have truly outline outlined the issue of the day facing our nation. it is my hope that, as we all look at these tragic incidents, that we will take the opportunity to draw closer to each other, to have the difficult conversations about race and policing in this country involving all sides, involving all issues and all points of view. i have spent the last year as attorney general touring this great country, meeting specifically on the issue of police and community relations, and i have sought out jurisdictions that have had extremely troubled relationships but have, in fact, made the conscious decision to pull themselves back from that brink and develop a positive relationship between the community and law enforcement. it can be done. i have seen it done. you have cited dallas as one example of a police department that through its community pong efforts has crafted a strong bond with its community. so that when there is tension, there's an outlet, a way for discussion. i believe, congressman, the key to many of the problems we face is communication. communication and truly listening to one another, listening to individuals who feel, for whatever reason, separated and at a distance from the goals of this great country. individuals who feel that they do not have an opportunity to fully participate in this great democracy as well as listening to our praef members of law enforcement who talk to me every day with great poignancy about why they joined this wonderful profession, their desire to protected and serve, put people on the right path, to build a better country and build strong communities because they live in those communities. all of that must be recognized as well as the pain of law enforcement who feel themselves under attack as well. by recognizing our common humanity, our common loss and our common goals, we can, in fact, work on this difficult problem.

CONYERS: thank you for your response. i would like to ask you in a friendly way how we can as a committee, what is it that we can do to address the problem? we seek your friendly advice in that direction because we want to work together with all the branches of government and the house judiciary committee is in a very unusually important position to play an important role in this.

LYNCH: yes, thank you, congressman. the department of justice is actively engaged in working with both communities and law enforcement to further these discussions. of course, efforts in our grant-making arenare important there, and we welcome and appreciate the support of this committee and others in making sure the department's grant-making operations are fully funded. we also provide a great deal of support for law enforcement through training and technical assistance. for exam, the bulletproof vest program and our funding for body-worn cameras for so many police departments. again, we thank this committee and so many members of congress who have provided bipartisan support for those efforts. we would hope those efforts, and funding in particular, would continue. those are a few examples of the ways in which we hope to continue to receive support. i would also note that the issue of criminal justice reform is a larger canvas upon which this conversation is being writ. certainly we support the efforts by so many on this committee and others throughout congress to push that important legislation forward. we've provided assistance in terms of many of the details that have been raised in the context of this legislation. i know this committee in particular has spent so much time and effort on that. we appreciate that and all the issues that have been raised. that is an important way towards dealing with making our criminal justice system more effective, more efficient and more fair. that in and of itself will go a long way in restoring faith and trust in the overall criminal justice system which is often a problem raised to my attention during my travels. the department looks forward to continuing the support those important efforts.

CONYERS: i'm so pleased that you would be with us today, and i hope we can continue this communication because it's very important for all the citizens in our nation, and i thank the chair.

GOODLATTE: thank you, mr. conyers. the chair recognizes the gentleman from wisconsin, mr. sen sin brener for five minutes.

REPRESENTATIVE JIM SENSENBRENNER OF WISCONSIN: thank you very much, mr. chair manned and thank you, general lynch for being with us today. you are in charge of the department of justice. the buck stops with you. i am concerned you keep on saying you have deferred the authority that by law is yours to director comey. let me give an example. mr. comey has said secretary clinton was extremely careless in her handling of highly classified, very sensitive information. now, the criminal statute uses the word gross negligence. i can't for the life of me figure out what the difference between -- a strict liability statute that relates to the removal and retention of classified information. so it doesn't matter whether secretary clinton had the intent to do that or not, the fact is that the fbi said that she did it. now, i think that what director comey has said is that secretary clinton's actions essentially meet the definition for prosecution under the statute. why did you defer to director comey when the responsibility is yours?

LYNCH: thank you, congressman, for the question. let me be clear that my decision was to accept the recommendation of the team of agents and investigators who worked on this. these are the career attorneys as well as dedicated investigators including the fbi director who worked on this matter for over a year. they've reviewed the facts, followed the facts. they looked at the law. they applied the facts to that law and came up with a unanimous recommendation, a joint recommendation in effect that was provided to me.

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SENSENBRENNER: i have a limited amount of time. the fact is that whether it's emely careless or gross negligence and a strict liability statute, i think that the language of the statute is clear. now, i've noted that the justice department over the last several years has prosecuted several servicemen for doing the exact same thing that secretary clinton did. in one case actually reached a judgment of a court that prohibited that serviceman from ever having a security classification again. you have a problem, madam attorney general, that people think there's a different standard between the servicemen and secretary clinton and the fact that the language is almost synonymous if not synonymous saying no prosecution of secretary clinton and prosecution and conviction of the servicemen. you have a burden i think to convince the american public that you don't have a double standard. you're not meeting the burden. how do you plan to change the argument that you make to the american public so that they can be convinced that the thing was correct and you made the right decision rather than simply deferring to people in the fbi and prosecutors.

LYNCH: congressman, every case stands on its own separate facts and application of those facts to the law. you have to refer to the specific facts of the other matters that you're referring to. with respect to the investigation of the former secretary's handling of classified information, her private e-mail system, again, i can tell you and this entire committee and the american people that all of the relevant facts were considered, investigated thoroughly and reviewed by the entire team which again is composed of career independent investigators as well lawyers and their recommendation upon a full and thorough analysis was the matter be resolved in the way it was recommended to me. as i've indicated, i determined to accept that recommendation and did, in fact, accept that recommendation.

SENSENBRENNER: one final question. one of the service people who was prosecuted basically sent an e-mail out that his fellow marines were in danger. he ended up getting prosecuted for warning his fellow marines that their lives may be in danger. now, here in the case of mrs. clinton, the private e-mail arrangement was simply to avoid public scrutiny. so in terms of the intent of major jason bresler and secretary clinton, major bresler was doing it to stave his colleagues. the other, secretary clinton, was to avoid transparency. in terms of the bottom line, that's the hoop that you have to jump through in order to regain your credibility with the american public. i hope that you'll be able to do that. i yield back.

GOODLATTE: the chair thanks the gentleman and recognizing mr. adler from new york for five minutes.

REPRESENTATIVE JERROLD NADLER OF NEW YORK: thank you, mr. chairman. thank you, ms. lynch, for appearing here today and for your service as attorney general. i'm sure many of my republican colleagues will spend their time discussing the overhyped matter concerning secretary clinton's e-mails. i'm going to focus on more important issues facing this country. we're all sickened by the killings of alton sterling in baton rouge and philando castile outside st. paul. according to the aclu, mr. castile was if 123rd african-american to be killed by law enforcement this year. that is, of course, no excuse foast woke's vicious murders of five police officers in dallas. the knowledge that mr. steering's and mr. castile's death come among

the long list whose encounters with police might have gone differently had they not been black, mist spur us to act. i appreciate the work you are doing and your department is doing in this regard, and i hope you'll keep us informed on that. i want to go to a different matter, related unfortunately, exactly one month ago today, a lone gunman killed 49 people and wounded more than 50 others in an lgbt nightclub in orlando. mass shootings are an all-too-common occurrence in this country. in 2016, 229 mass shootings, defined as when at least four people are shot. every day nearly 300 americans are shot in murders, assaults, sue said attempts, accidents and police actions. 48 are children and teenagers. this is a distinctly american problem. more than 33,000 americans lose their lives to gun violence each year. in the united kingdom in 2011, 146 deaths to gun violence, denmark 71, portugal 142, japan just 30. the united states, 33,000. you cannot tell me -- no one can tell me that the american people are a thousand times more mentally ill that people in these other countries. a recent study in the american journal of medicine co-r said the gun related murder rate in the united states is 25 times higher. we have held -- there is an epidemic of gun violence. how has the majority in congress responded? emergency hearings about hillary clinton's lois lerner's e-mails. we have held zero hearings on gun violence, passed noills tood dress the issue, done nothing to require universal background checks, continue to allow military-style assault weapons on our streets, not even prevented those on the no-fly list from purchasing guns. i was proud to join john lewis in protesting the republicans abdication on this issue. ms. lynch, what does the assassination of five dallas police officers last week tell us about the nra's favorite adage, the only thing that stops a bad guy with a gun withes a good guy with a zbhun what about an armed society is a polite society?

LYNCH: congressman, thank you for raising this important issue of gun violence in our society. i don't have a comment on the nra's comments or statements --

NADLER: never mind their position, but what do you think of the statement that the only thing that stops a bad guy with a gun is a good guy with a gun. is that true? does it work?

LYNCH: congressman, i think the issue, as is usual, doesn't really lend itself well to after for richls and short statements. it's my hope that the work of many on this committee and indeed throughout congress in having the discussion has begun on this issue will continue so we can, in fact, continue to work on the serious issues of access to firearms in our society. earlier this year i did make several recommendations to the white house which were accepted for important ways in dealing with this issue, ranging from clarifying guidance for those engaged in the business and must provide background checks for purchasers, ranging from clarifying rules on acquisitions of certain types of firearms and those in certain business capacities such as trust, but also as part of that, a very important part of that was a request for additional funding for atf, for more resources to …

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LYNCH: … with the information and the issues arising out of gun violence as well as funding for hhs to deal with the issues of mental health that place so many americans in jeopardy.

NADLER: the loophole in federal law allows the transfer of firearm to anybody after three business days within even if a background check is not complete. last year the fbi concluded the suspect in the shooting in charleston was able to purchase a gun through this loophole. should that policy change? should we hold a transfer of firearms until the background check has been completed?

LYNCH: congressman, in order to change that rule, it would require congressional action. the three-day waiting period is part of congressional action. that's already been voted on by congress. certainly it is a fact that with the rise in purchases and the increased use on the background system there is ever more use of that system. we're working to improve the system to make it as efficient as possible. we've expanded the number of personnel working on those background checks. we're working, also, t improve the automated portion of the nix system so the dealers who go through the system will be able to get information more quickly and be able to respond either by proceeding or denying a sale, or in other ways as appropriate. so we're working within the system as it is currently structured. in order to change that, it would require congressional action.

NADLER: thank you. my time is expiring. i want to briefly mention one more issue. we've been following the department's review of the consent decree. there are reports that the department is not recommending any changes to the consent degrees but moving forward with an interpretation of the decrees requiring the options to license 100% basis instead of the current -- in conflict with the formal opinion of the u.s. register of copy rights. i heard from numerous song writers greatly concerned about the destruction it will cause to the industry. several parties involved raised a host of other issues related to the consent decree. can you qualify for the status and the process moving forward.

GOODLATTE: the time of the gentleman has expired. the witness will be permitted to brees briefly answer the question.

LYNCH: the anti-trust division is engaged in a review which dates to 1941. it has been utilized in public comment system. after going through an initial round and receiving public comments and other round of public comments was also opened. those comments are still being reviewed. stakeholders are being consulted with, and it's my understanding that the anti-trust division will be wrapping up this matter shortly. and we'll be making public its finding and make sure they're made available to congress. i believe they would be in any event provided to you, but we'll make sure they are provided to you.

GOODLATTE: thank you very much. >> the chair recognizes the gentleman from ohio.

REPRESENTATIVE STEVE CHABOT OF OHIO: thank you, mr. chairman. madam attorney general, i think the thing that i find so disheartening, so unfortunate fbi director eror comey's decision not to recommend criminal charges against former secretary of state hillary clinton last week was it for a lot of americans it looked like we're seeing a double standard here. unequally treatment under the law. under the facts of the case as laid out by director comey, virtually anybody else, i think, most americans think including myself there would have been charges brought for a crime against virtually anybody else in this country. but the politically

connected hillary clinton, well, we won't charge her. look what comey laid out. that's been laid out to some degree, but it warrants doing it again. he found that despite the fact that hillary claimed she never sent or received classified information over a private e-mail. she actually sent 110 of them. over a hundred of them and eight of those were determined to have been top secret at the time they were sent. now i assume that based upon the way you answered some of my colleague's questions prior to this you're not going to acknowledge what i think virtually every other american believes. even her supporters. that's at least acknowledge as director comey did is that she lied. would you respond?

LYNCH: with respect to the director's statements, as i indicated. he's provided unprecedented access into his views of the matter, and i would refer you to them. i understand the issue you raise, obviously, is one involving perceptions as to whether or not charges would have been brought in some other situation. again, i can only refer you back to the director's statements where he chose to outline the fact that no other cases similar to this had, in fact, been brought.

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CHABOT: let me go back to what was referred to. i think it was one of the great mysteries of the case. that's why extreme carelessness. apparently not in his mind and you accepted it, i guess apparently in your mind, does not institute gross negligent. i'm an attorney. i practiced 16 years before coming here and been on the committee for 20 years. i'm not actively practicing law now. been doing this type of thing for a long time. i, for the life of me, don't know what the difference between extreme carelessness and gross negligence is. he said he found one but apparently not the other. could you shed some light for me and perhaps anybody else in this room or may ultimately watch this. what is the difference between the two?

LYNCH: congressman, again, i'm not going to further explain the director's comments, as he has, i believe, explained them. what i will say, when people have asked, and i believe -- i understand your question to be the meaning of gross negligence. one always, as you know, referred to the statute itself relevant cases. and, of course, a fact-specificed inquiry. since to go further would go into the facts of the case i'm not able to go further at this time. we start with the statute. we start with relevant case law, we start with legislative history into the determination --

CHABOT: okay. you're not going to answer that question. let me give you one final question. let me go back to the double standard thing i mentioned before. i couldn't help being reminded when the whole thing, especially over the last week of something that i was involved in, in this very committee 18 years ago and at the time it was hillary clinton's husband, bill clinton in trouble. he was accused of sexually harassing a number of women and lied under oath about it. committed perjury. he was asked if there was other women. there was a civil lawsuit brought. oftentimes when you have a lawsuit like that, you go to other people. did you sexually -- were you aggressive with people under your jurisdiction or you had some power did you do that? no. he never did. then an young intern came forward who was working under him at the white house and she had physical proof. he denied it but there was physical proof. i won't go into exactly what it was. but there was proof about that. he was pretty much caught up in this -- he lied. committed perjury. that's why arls of impeachment were voted affirmatively out of this

committee, and then in the full house and then he went for trial in the senate. i know a lot about that because they picked 13 members to be the prosecutors in that case. the house managers and i was one of them under henry who, of course, has gone home. my principle focus at that trial was the topic of perjury, the elements of it, the history, what you had to prove. in my argument with the senate, my argument about that was that we had hundreds of people all over the country who were in jail behind bars for perjury and the president of the united states shouldn't be above the law. well, the ultimate was removing 50 to stay. he remained president. but i would just conclude by saying that every american, including the person of the united states, including a candidate for the highest office in our land ought to be treated equally under the law. i think in this case, i think it's a travesty because i don't think hillary clinton has been treated like any other american would have been treated under the same circumstances. i yield back.

GOODLATTE: chair, thanks. recognizing the gentlewoman from california.

REPRESENTATIVE ZOE LOFGREN OF CALIFORNIA: thank you, mr. chairman. thank you, general lynch for taking the time to be here with us today. i get a sense we're in this political season and there's so much disappointment on the republican side and the country that they couldn't obligate the election through the legal process process. despite the fact that most of us use e-mails that are not official, i do and many members of our committee and both sides of the aisle do that. and secretary clinton, like her predecessor before her, general colin powell used a private e-mail system for convenience. she has expressed the view that was a mistake. i don't know that colin powell has. certainly we know from press reports that the official state department e-mail account was the subject of a worst ever cyber intrusion of any federal agency. what we don't know is whether her communications on her private e-mail were actually more secure than had she used the state department e-mail system. after over a year and $30 million or more across various agencies and congressional committees investigating this matter, your agency has finally made the determination to follow the fbi's recommendation not to prosecute. i think, you know, to some extent we're beating a dead horse here for political reasons. i think it's important because to use your time here for other things. there are a lot of things that need attention that we're not giving attention to. so i would like to raise the issue it may seem arcane but it's important. the backlog in immigration courts. we've had a massive expansion of immigration enforcement from 2003 to 2016. we increased u.s. border patrol and protection and i.c.e. from $9. 1 billion to $20.1 billion. that's a massive expansion. but at the same time we increased, in your department, the office of immigration review and immigration courts $199 million $26 billion. we have a massive bagcklog. in chicago the backlog is 915 days. denver 983 days. phoenix 884 days. this is, i mean, really years and years to hear your matter in court. i'm wondering if you have, obviously, we need additional resources, but what are your thoughts of managing this unconscionable workload for the immigration courts.

LYNCH: thank you, congresswoman, for raising that important issue. certainly respect to the workload, the executive office of immigration review the workload has increased significantly over the past several years due to the influx of those seeking to enter our country. we saw this problem begin several years ago, as you have noted. the backlog of more than two or three years is something we have been noting and certainly back in 2014, they decided to try to handle the matter by prioritizing certain types of cases and trying to work through that backlog. particularly along our southwest board are. you mentioned los angeles. you mentioned phoenix. all though chicago reflects an influx of individuals who have chose ton move further north. particularly

along the southwest border we've been trying to work on the backlogs. the additional resources we have with the assistance of congress. i thank the members of this committee and other members for their support. we've been able to add additional resources to the immigration courts. we have, as far as 2016 hired 36 new immigration judges. we hired 20 new judges in 2015, and another approximately 100 judges going through the hiring process now. it is our hope that this will assist us in not only handling the priority issues, but dealing with the backlog that often results from the other areas that we have to pull resources from. we have all looking ways to make the system more efficient, to make the system deal with the important issues raised in immigration courts to protect our borders as well as to provide due process to those in immigration court.

LOFGREN: i thank you, general. i would like to note, mr. chairman, that our colleague sheila jackson-lee is not here because she is attending the memorial in dallas. i wanted to make sure that members knew that is not for lack of interest but because of that obligation. i thank you, general lynch, for your testimony and i yield back.

GOODLATTE: thanks the gentlewoman and recognizes mr. issa for five minutes.

REPRESENTATIVE DARRELL ISSA OF CALIFORNIA: i worked together on a myriad of issues. i have great respect for the many works you do and the way do you it. i'm going to take a tact that is more appropriate to my own district and to the men and women there who are asking certain questions. i'll run you through some quick questions. it's for them to understand. you're obviously a skilled attorney. you took an oath. you're under a penalty of perjury, as you speak today. you prepared for today so you would be able to answer some of the critical questions, including, obviously, the ones you've been asked so far. is that correct?

LYNCH: i try and be responsive to the committee's questions and i appreciate the information that staffers provide about what is of interest to the committee so we can have the information for you.

ISSA: so in that preparation, you've got my old friend behind you. you prepared to answer questions, more or less, about four ways. yes, no, i don't know, or i can't answer. in some cases some combination of that. that's pretty much how you answer here is affirmatively "yes" affirmatively "no" or shades of gray.

LYNCH: i'm not going to into the internal discussions.

ISSA: i'm not asking for the internal.

LYNCH: the character of my responses in that way.

ISSA: so far today you have rarely said "absolutely yes" or "absolutely no." you mostly talked in terms of "i can't answer that" or "it's not appropriate" or "see the fbi director." in light of that, it's really a question of what do i tell the marines, the sailors, army personnel in my district, the veterans, the contractors, all those who work for the government with classified information information. former secretary of state in an unambiguous way "i did not send or receive any

information marked classified" you're aware of that she had definitively said this repeatedly, right?

LYNCH: i believe her statements on the record. i defer you to that.

ISSA: i have referred to that. she unambiguously said something which was not true, according to the fbi director. so when you send and receive documents that are marked classified clearly. and according to her statement 300 people have seen her e-mails. some portion of those saw the ones that said "secret" "top-secret." none of them are charged. what do i say to the tens of thousands of people who live and work in my district that work for the federal government, including more than 47,000 marines. what do i say when, in fact, saying something that isn't true, handling classified information in an extremely careless way has no criminal ramifyication ramifications. what do i say to them? how do i reconcile the fact that they know their friends and colleagues have been prosecuted or fired for doing less in the past?

LYNCH: congressman, i can't speak to any cases you may be referring to involving friends or colleagues. again, i would refer you to the description that --

ISSA: i appreciate that -- i'm going to ask you a question -- [talking over each other]

LYNCH: every case is different -- every case is different -- every case has to be handled in the same way. every individual whether they're a former secretary --

ISSA: so there will be some cases --

LYNCH: it has to be reviewed.

ISSA: madam general, i have limited time. general lynch, you mentioned this professional team of career professionals. were there any political appointees on that team? any people who, in fact, did not work for the u.s. attorney's office prior to president obama coming to office?

LYNCH: well, my understanding -- with respect to the team, typically we don't go into the composition of it. it was lead by our national security division, and everyone on the team was a career individual.

ISSA: again, i'll ask the question with spes thinksty. i'm not asking for names. was there at least one person who was politically appointed that was on that team?

LYNCH: the investigative team was composed of career investigators and seasoned agents.

ISSA: was there at least one that did not work a career that was, in fact, an appointee, confirmed or unconfirmed?

LYNCH: congressman, i've replied to you to the composition of the team. that all of them --

ISSA: so your answer is no, there were no political appointees.

LYNCH: all were career lawyers as well as seasoned investigators.

ISSA: okay. i'll take that as a no. that's the only way i can interpret what you keep repeating. so last but not least, the american people are told that these documents were not a crime to carelessly deal with. should i find a way to make sure that those thousands of documents are made public so the american people can evaluate just how insignificant they are or how president obama said there's classified and classified. are these documents documents that could be easily made available to the public, are they too sensitive to be made to the public today?

LYNCH: congressman, i would -- you may take the appropriate steps in terms of reviewing anything. you may make requests for that and we'll work to accommodate you with respect to that. i don't have an answer for you beyond that.

ISSA: today you could not characterize whether any or all of those documents would have to be retained privately because they're too sensitive to be made public.

GOODLATTE: the time of the gentleman has expired. the witness is permitted to answer the question.

LYNCH: thank you. with respect to the handling of any of the documents or e-mails in this matter, because they involve another agency, we would have to work with the other agency. we always work with the agency that is termed the owner of information. so on behalf of the department of justice, i would not be able to give you an answer at this time as to those documents. it would involve other agencies.

ISSA: thank you, mr. chairman. i yield back.

GOODLATTE: recognizes gentleman from tennessee, mr. cohen, for five minutes.

REPRESENTATIVE STEVE COHEN OF TENNESSEE: thank you, mr. chair. when you appeared last time before the committee, i brought up the case of darius stewart. stewart was a young man 20 years old shot to death by a memphis police officer. the -- he was a passenger in a car. the officer stopped the car for a headlight violation and ran a check on the passenger. ended up getting in the backseat and the officer shot and killed him. our local prosecutor asked the grand jury to indict for manslaughter but the grand jury didn't, for some reason. i asked the department of justice to investigate, and i'm grateful for that. we're eggager to know the results of your investigation. we need to know if there's any civil rights violations. i read today in the thymes about the garner case. i know it's difficult but this case is in memphis.

LYNCH: thank you for raising this important issue. the matter is still under review. i'm not able to give you either a result or time table at this time. but, obviousf course, we will work to keep you informed.

COHEN: thank you very much. last week we saw more disturbing video of police shooting of african-americans. we saw police officers killed in dallas. that was dreadful. the other side made a point, my friends, people should know that nobody is above the law and all people are treated equally. unfortunately what we've seen is african-americans are not treated equally when it comes to deadly force and police officers in this country. and that's a more chilling reality than

anything else brought up. people's lives have been taken. this is a great problem. black lives matter. congressman lacy clay and i put forward a bill last year hr 23 250i to address the issues necessary to help improve the relationship of police and citizens. it would hold a portion of federal funding unless police are trained on a range of important issues like cultural diversity. i note the doj recently announced train all the agents to recognize implicit bias. i know you're aware of the need of training. our bill would withhold a portion of federal funding investigation the deaths are investigated. and prosecuted independently. asking a local prosecutor to investigate the same law enforcement agency they work with and provide them with witnesses is implicitlywrong. like see-- if a prosecutor does everything right this actually can still appear biassed. if we're serious about restoring the sense of trust that we need to have wur our citizenry, we need to eliminate this conflict of interest. as i note, as you mentioned, a key part of president obama's task force on 21st century policing calls for independent prosecutors. campaign zero gaining a lot of credibility also was called for the passage of this act. congressman clay and i have seen a surge of support. we have 77 cosponsors. do you think additional training for police and the use of independent prosecutors would help reduce violence between police and civilians and help restore a sense of trust in law enforcement.

LYNCH: thank you for raising this important issue, congressman. i think that the issue of the training that we -- at the department of justice provide for law enforcement as well as the training generated in the field is utmost importance. i will tell you that as i have, in fact, traveled the community on my policing tour highlighting departments that are working on this very issue. i've some seen some outstanding examples. in particular of deescalation training using various scenarios to start literally with the mind set of the officer and how they respond to certain situations. i've also been extremely encouraged by seeing law enforcement comment on many of the recent incidents that have been captured on video and talk about how training would or would not relate to those specific incidents. and i've been incredibly heartened by the growing sense of importance this issue has taken on within law enforcement itself. we have seen a number of -- as i mentioned very positive programs involving training. we've seen, as i mentioned, not the deescalations and the definitions of excessive force, the legal standards of exessive force. i've seen programs that break it down for officers.

COHEN: my time is about to expire. do you think training is something additional training would be important.

LYNCH: it is key.

COHEN: and would independent prosecutors be a good thing?

LYNCH: i believe it depends upon the nature of the office looking into the matter. i believe you would need individuals who have experience in dealing with complicated cases who have experience in dealing with forensic evidence. and certainly you want those offices wherever they be located to have that kind of expertize tease at their hands.

COHEN: let me close, mr. chairman. one other fact. i don't know if you're aware but in memphis, a group, partially black lives matter had a protest march on sunday. they interfered with traffic, made their demonstration at i 40 at the hernando bridge. our interim police director rawlings marched arm and arm with them. saw to it there was no violence, no shootings, no use

of force. he showed them the kind of policing we need in this country where both the protesters and all the citizenry and the police saw this man as a leader, a hero, and somebody who kept the calm and the peace in memphis, tennessee. thank you.

GOODLATTE: time of the gentleman expired. the witness will be permitted to respond, if she chooses to do so.

LYNCH: just to acknowledge, indeed, the strong leadership of the memphis police chief. which i've seen replicated in departments across the country. including, particularly, in dallas. Dallas.

REPRESENTATIVE RANDY FORBES OF VIRGINIA: thank you for being here today and for responding to our questions. madam chairman, madam attorney general. director comey was forthcoming and candid in answering his questions with speshihinky about secretary clinton and he did not refuse to answer any of those questions based on the fact that there was some legal prohibition that kept him from doing it. today you have indicated several times that you wouldn't respond to some of those questions with spes thinksty. is there any legal prohibition that you have that director comey did not have that prohibits you from anxious swering those questions with some degree of spes necessity.

LYNCH: thank you for the opportunity to speak to that. i think it's important to note that the director and i had different roles in the investigation. and therefore very different amounts of information about the investigation. i am speaking about the information that i received, which again, as i noted was the team recommendation. director koem was speaking from his position as someone who was --

FORBES: insds you may have different information. my question is there any legal prohibitions on you that director comey did not have?

LYNCH: well, as i've indicated, it would not be appropriate in my role to discuss the specific facts and the law.

FORBES: prohibition against than other than the fact you don't have the same knowledge about the case that director comey had.

LYNCH: we typically actually do not provide the level of detail that the director comey did. he chose to provide that level of information --

FORBES: is there any -- or a choice you made not disclosing that information.

LYNCH: as indicated we obviously are not allowed to discuss certain types of information, for example, grand jury information.

FORBES: i'm not talking about grand juror information here. what i want to know is tell me is there a legal reason that prohibits you from giving us information or is that a choice you have made?

LYNCH: congressman, as i've indicated the director and i had different roles in this investigation. so his level of detail is significantly different from i would not be able to provide mine. you with that same level of detail.

FORBES: because you don't have th inrmation. not because there's a legal prohibition.

LYNCH: in addition to that, as part of my role as attorney general i would not be going into these discussions typically. we have taken the role -- taken the step of providing --

FORBES: i'm running out of time. i want to know if there's a legal prohibition that prohibits grow disclosing information to this committee or is that a choice you have made?

LYNCH: it would depend upon the nature of the information.

FORBES: is there any legal prohibition that would prohibit you from giving the same information that director comey has given?

LYNCH: well, with respect to the source of that information, if it came from the grand jury, that would be a legal prohibition. with respect to opinions --

FORBES: let the record say there is no legal prohibition that can be cited here. on june 27th, the supreme court of the united states gave your department a rather stellar review in your prosecution of governor bob mcdonnell. having looked at that and the basis you have essentially your department launched everything you had against a republican governor who everyone agreed had violated no state law. they took a federal law and you cited looking at statute relevant case law and history there was no relevant case law to suggest that setting up a meeting instituted a crime. no history statutory history that suggested it was a crime. yet your department put everything it had in prosecuting that governor. having looked at what the supreme court has now said, do you believe that prosecution was a mistake?

LYNCH: certainly i believe that the prosecutors who worked on that matter investigated it and presented it to a grand jury and received an indictment. we, of course, as presented --

FORBES: they made a choice -- [talking over each other] can you tell us looking that the and an the way you interpreted that statute, was it a mistake.

LYNCH: with respect to the investigation of the former governor of virginia. i don't have a comment on that. we have received the sults.

FORBES: not because you don't have a legal prohibition -- but because you refuse to comment. and my final question, then, as time is running out. when you look at the governor of virginia that you launched everything this department had against to destroy him and prosecute him, can you tell me the federal nexus you had in that case and compare that to the federal nexus against secretary clinton in national security of this country, which you refused to bring to a grand jury or for indictment to see if, in fact, one is justified.

LYNCH: i don't have a comment on the mcdonnell case except to defer you to the pleadings in that.

FORBES: can you compare the federal an nexus for the two cases?

LYNCH: i strong adon't have a comparison for the two cases.

FORBES: that's disappointing because the national security of the country is rather important to the country. with that, i yield back.

GOODLATTE: recognizes gentleman from georgia mr. johnson for five minutes.

REPRESENTATIVE HANK JOHNSON OF GEORGIA: thank you, attorney general lynch lynch, for being here today. i think the americans see the did you duplicity of the arguments made by republicans here on the panel. first, the they question you about why you did not recuse yourself from the hillary clinton e-mail investigation decision. not to prosecute. and then on the other hand, they criticize you for relying upon the recommendation, the unanimous recommendation of career professional investigators and prosecutors at both the fbi and the department of justice who made the decision and then recommended to you that hillary clinton not be prosecuted. and they take issue with these things s things, and then they throw in -- they bring back some 20-year-old salaciousis asalacious ak cue -- accusations against former president bill clinton. i think we reached a low point on this committee. we're talking about these things at the same time that americans are focussed on the out of control gun violence in this country. the chickens have indeed come back home to roost as a result of 20 years of nra control of decision making about firearms. here in this congress, absolutely no action by congress to restrain the flow of weapons of war on to the streets of america. weapons of war that are producing mass casualties one incident after the other with increasing regularity here in america. americans get it, but these -- my colleagues on the other side of the aisle don't. they're tone deaf, and they insist on chasing rabbits down holes by trying to make some hay out of something that is -- this is over with. this controversy about e-mails from hillary clinton. there is absolutely no evidence of criminal activity, but yet as we approach the republican convention to be held next week where the candidate that they're going to nominate has been a tremendously devisive figure in polarizing this nation in such that we can't do any work here in congress. ic the people looking at this hearing are just simply deject dejected. they are -- this is -- this is really a spectacle. as we get ready in congress to leave for seven weeks of vacation vacation, the american people don't get seven weeks of vacation, and we know you don't in your job. we appreciate the job you have done. can you tell me, general lynch, whether or not with respect to the orlando mass murder of 49 people, innocent people killed at the hand of a deranged gunman wielding an assault weapon. can you tell us whether or not you found any evidence that the gunman used any encrypted messaging to prepare for his attack, and have you faced any roadblocks related to accessing the gunman's social media outreach be it be encrypted or otherwise.

LYNCH: congressman, thank you for raising those important issues. of course, it was exactly one month ago today that those 49 innocent lives were taken from us so brutally. i remember visiting orlando and speaking with many of the victims families and their loss is still so incredibly close and fresh and painful. with respect to the investigation, we are proceeding. we have gotten great cooperation from all of the law enforcement agencies in central florida who

have worked on this case from first responders through the police department still helping with the investigation. all the federal agencies have come together. we are still reviewing a vast amount of evidence. i'm not able to provide insight into whether or not we have come across encryption at this time. i will say that we're moving forward with the investigation. we certainly are not encourage countering any difficulties with the team work on the ground. everyone is committed to trying to determine what lead this individual to take this heinous act.

GOODLATTE: time of the gentleman expired. chair recognizes gentleman from texas, mr. smith, for five minutes.

REPRESENTATIVE LAMAR SMITH OF TEXAS: thank you, mr. chairman. madam attorney general, i think you agree that justice needs to be impar shall -- impartial. i would like to ask you a couple of questions about conversations you may or may not have had with bill clinton and hillary clinton. the first is, have you had any conversations with either individual about the e-mail investigations since you became attorney general in april 2015.

LYNCH: congressman, i've had no conversations with either of the clintons since the investigation began or any point in time.

SMITH:and investigation proceeded your appointed of attorney general.

LYNCH: the investigation -- i believe the referral may have come in right after i became attorney general. but i've had no conversations about mrs. clinton's e-mail server at any point in time with either her or former president clinton.

SMITH: have you had any conversation with either individual about your possibly serving in a hillary clinton administration?

LYNCH: no, i've had no conversations with either individual. had no conversations with the former secretary clinton on any topic at all. and in my conversation with former president, there was no conversation on that nature at all.

SMITH: okay. thank you. let me go to a different subject. this is back to the fbi investigation now. the usual practice in such an investigation is leave the decision on whether or not to recommend prosecution to the attorney general. did you suggest to director comey directly or indirectly that he make the decision rather than you?

LYNCH: well, congressman, with respect to the usual process, it is, infact, the way in which most cases are handled that the team of career investigators or prosecutors make a recommendation and go forward with an action. i can also tell you that --

SMITH: did you lead anybody to think that you would prefer that director comey make the decision not to prosecute rather than you?

LYNCH: i'm sorry, sir, i couldn't hear the beginning of your question.

SMITH: i'll speak more loudly. i apologize. did you make any suggestion to director comey directly or indirectly that he should be the one to decide whether or not to prosecute rather than you, which is traditionally the case?

LYNCH: no , sir, i made no -- had no discussions with the director on that point. nor had i made any decision to that point.

SMITH: you said you had no discussions. when i say directly or indirectly, i mean think associate ss or anyone else.

LYNCH: that's correct. what i would say, though, as i indicated before the process that we followed in this case was, in fact, very common process. i chose to make it more public because i wanted to make it clear that there was no inappropriate influence on the investigation.

SMITH: do you agree with director comey that mrs. clinton violated the federal records act?

LYNCH: i actually don't recall director comey speaking on that point. i would have to go back and check. i don't have a comment on that.

SMITH: okay. newspapers, several newspapers reported that he said that mrs. clinton did violate the federal records act and you don't have any opinion on that?

LYNCH: again i don't recall him speaking directly to that. he could have but i don't recall him speaking directly to that. at this point, again, i think that with respect to what was reviewed in the investigation about the handling of the e-mails, we heard the basis of his recommendation and, in fact, the team came to the --

SMITH: let me ask for your opinion. do you feel she violated the federal records act?

LYNCH: i don't believe -- i don't know if that was under the per view of the investigations. it's not something that -- i don't believe -- i don't know if that was under the per view the investigation. i don't recall a specific opinion on that.

SMITH: okay. thank you very much. thank you. i yield back.

GOODLATTE: recognizes the gentlewoman from california, miss chu, for five minutes.

REPRESENTATIVE JUDY CHU OF CALIFORNIA: hello. yes, attorney general. first i would like to state my concerns regarding the doj's decision to force song writers into 100% licensing. i understand this would require bmi to license songs for song writers that they do not represent, which poses concerns of how and if a writer will be compensated for their work. i believe this ruling will disrupt the system that song writers operate under and hurt creativity by discouraging them to collaborate with others belonging to a different pro in the future. this decision is also contrary to the formal opinion that was released by the copy wright office. i urge you to conduct an independent review of this ruling that was issued by the anti-trust division. the livelihoods of thousands of song writers depend on it. now, i would like to address a completely different topic. attorney general, when you testified before the judiciary committee last fall, i

brought up the issue of chinese americans who are wrongfully arrested as spies for china and their lives ruined only to have all the charges dropped. these string of incidents have had a chilling effect in the asian-american community where scientists, engineers, and federal employees live in fear they may be targeted next. during last year's hearing, two of the accused were, in fact, with me in the audience. to recount one story, professor of the physics department at temple university broke up at the brink of dawn with almost a dozen fbi agents at his home. guns were pointed at him as he was handcuffed and arrested in front of his wife, two young daughters, neighborhoods. because of allegations he was a spy for china. his name was put in the newspapers, his reputation was dragged through the mud, and he to resign from his position as chairman from the department. after enduring a lengthy investigation and emotional trauma, all of the charges against him were dropped. it turns out that the technology that the government thought was being shared with china was actually publicly available technology not the public -- pocket heater in question. and yet despite having all the information at their disspoe sal, the investigators in this case got the facts completely wrong. similar wrongful arrests took place -- all of whom are american citizens. i bring up these cases again because they have been officially closed since we last spoke. yet we still have no answers. in fact, when i met with some of your staff last week, they informed me that race, ethnicity, and national origin did not play a role in either of these cases. but we still lack any evidence that this is true. that's why we and national asian-american groups have asked repeatedly for an independent investigation with letters and meetings and we've been doing it for a year. once again, i would like to know if there any plans to open up an independent investigation to determine what went wrong in these cases

LYNCH: well, congresswoman, thank you for raising both of these issues. with respect to the review and that is a review of the bmi, there has been no ruling issued as of yet. there had been significant consultations with stakeholders as well as receipt of a great number of public comments on the issue raising -- many racesing the issues you have discussed here at the hearing. i thank you for keeping those before us as well. my understanding is that the anti-trust division amendments concluding the review as well as those discussions within the next few months and issuing a ruling at that time. we will, of course, make sure that you will receive that as certainly all the members of the committee. but there has been no ruling at this time with respect to the other issue you've raised with respect to those particular cases that were brought and dismissed, raise and ethnicity do not have a role in the department's prosecutions. it is something that we reject. we focus on the facts. we follow the law. but we do continue our investigations and where we find that, in fact, our initial review may not have been accurate is incumbent is dismissed the cases as happened in this case. i'm glad you were able to have the meeting with representatives from the department most recently. i can assure you that the review that was done was of the cases that were raised to determine what lead to their initial charging and dismiss sal.

CHU: i do have a follow up question that i wanted to get in. most recently i hear you're implementing a new implicit bias training program for doj investigators and prosecutors. can you describe this program and will the new bias training ensure that asian-americans are not wrongly profiled and targeted for economy espionage and what content of the training will be made available to the public.

LYNCH: we're beginning the implicit bias training. it will be a requirement for the department of justice law enforcement officers and attorneys, and that is the field as well as those working

on cases. we have found in our work with working with local law enforcement that often implicit bias training is something that is well received, and has been helpful in helping departments understand the point of view of other individuals. the perceptions of many of their actions as well as implicit biases that people bring to their actions that may cause collateral consequences and unexpected results. we felt it was important that we also participate in something we were advocating throughout the law enforcement community to make our law enforcement as strong and efficient and fair as possible. it will be discussing -- it will not be limited to any particular es nicety, of course. but it will certainly focus on how we handle recentace and es nicety in our review of matters. it will not be limited to any one es ethnicity it will cover more broadly how we perceive the issue of anyone who may be different than us. we feel it will make our law enforcement stronger, more efficient, and help keep them e voted to the goals of department of justice.

CHU: will the content be made available?

GOODLATTE: the time has expired. the witness will be permitted to answer the question.

LYNCH: thank you. at this point in time, i don't have the information for you. i'm happy to have our staffs consult on that point.

CHU: thank you.

GOODLATTE: the chair recognizes the gentleman from iowa, mr. king, for five minutes.

REPRESENTATIVE STEVE KING OF IOWA: thank you. thank you for your testimony today. i'd ask, first, in that happenstance meeting on the tarmac in phoenix was there any discussion that might have implied anything with regard to the investigations to the clintons via the clinton foundation or the investigation of the fbi?

LYNCH: no , sir, there was no.

KING: zero implications?

LYNCH: there was nothing about any investigations or any specific cases or any of the other matters you mentioned in your question.

KING: when did you learn about that meeting?

LYNCH: i was getting ready to leave the plane. i landed and i was getting ready to disembark from the plane. i learned that the former president wanted to say hello. i agreed to say hello.

KING: was there any staff?

LYNCH: my husband was with me during our conversations. there were also, i believe there were also two members of the flight crew on board the plane to whom t former president said hello.

KING: thank you. are you aware that hillary clinton has repeatedly lied to the public about her e-mails and her e-mail servers and in public forums and campaign speeches and interviews with the press. are you aware?

LYNCH: i have no comment on the characterization of any candidate and their statements.

KING: i would point out most of the rest of america is aware of that, and including her political supporters who will continually say that they will support her even though she lied publicly. i would point out october 9th, 2015, barack obama stated that hillary clinton did not endanger national security. the whole issue was, quote, gemmed by republicans. he stated that hillary clinton was, quote, careless but not intentionally endangering national security. it turns out to be the very word that the lack of prosecution hinges upon is intent. even though the statute doesn't require intent, and when you see a president public make a statement like that, are you concerned that it might influence the decision on prosecution?

LYNCH: well, i've been asked about that statement, as i've the department of justice had no clarified before. input into it. and certainly my view has been that the team working on this did their work independently without any political influence.

KING: for the information that has been available to you, do you believe that hillary clinton knowingly removed classified information?

LYNCH: i don't have a comment on or a characterization.

KING: i understand that.

LYNCH: that was --

KING: do you believe she had intent to keep an authorized information in an unauthorized organization.

LYNCH: i refer you to my statement.

KING: i understand that. the definition of the word "gross negligence" in that dictor comey used the term extreme carelessness and we're asking you to define the difference between those. do you find it ironic that the last examination of a clinton in this room, the previous one, bill clinton, excuse me, before the judiciary committee hinged on the meaning of the word "is" it looks like this investigation is hinging upon the meaning of extreme carelessness versus gross negligence. do you see there's a difference between the two words?

LYNCH: congressman, i always start with the statute with any review that is being done. we looked a the statute, the legislative history, case law, and the facts as developed by an investigation and apply them to that statute. and to that standard. and that is what the steam did in this case. that's i believe the basis for their recommendation.

KING: director comey stated in his press conference that they didn't have evidence that the classified information or the top secret information had been hacked by foreign actor. but either

did he state had any evidence that had been -- had not been hacked and he stated unlikely we would know if it had been. under snowden we have to operate as if any information he had access to is now in the possession of foreign hostile actors. would you believe that is the same thing with any information that hillary clinton had on her private server, we have to act as if it were in the hands of a hostile foreign actor?

LYNCH: i don't have a comment on a characterization or comparison of mr. snowden and mrs. clinton.

KING: just answer the part about hillary clinton then, please.

LYNCH: you asked me --

KING: the information that was on her server that we have to presume now it's in the hands of hostile foreign actors. do we have to handle it as if that's the case. if so, didn't that danger endanger our national security?

LYNCH:congressman, i think you have to look at the facts of the matter and determine whether or not there had been access. and as the director kand indicated, i believe he responded.

KING: it's a serious matter and it's been covered up, general lynch. i yield back.

GOODLATTE: the chair recognizes the gentleman from florida, mr. deutch, for five minutes.

REPRESENTATIVE TED DEUTCH OF FLORIDA: thank you, mr. chairman. general lynch, thank you for being here. thank you for your thoughtful and patient responses to my colleague's questions. in the brief time i have today, i would like to discuss recent reports of some disturbing and dangerous and inhumane prisoner transport conditions in this country. just last week, "the new york times," in a big story that i put together with the marshal project, shined light on abuses that are inflicted upon prisoners. it is the same way we pay for shipping cargo in this country and any retailer will tell you that it pays to ship in bulk but we are not talking about pallets of laundry detergent, we're talking about human beings, about american citizens. no matter their crime they deserve better than the way these transport services are treating them. the story that ran july 6th "new york times" recounts the horrific death -- horrific deaths of several individuals, one of them stephen galic from south florida. i'll quote briefly from the story. "in july 2012 the former owner of a home remodeling busy was living in florida when he was arrested on an out of state warrant for failing to pay child support. mr. galic, 46, had come to a long downhill spiral only to struggle with crippling anxiety. now he was driven more than 1,000 miles to butler county, ohio where his e-wife and three children live to face a judge. like dozens of states and countless localities, butler county outsources the long distance transport of suspects and fugitives. he was transported by the largest for-profit company. all men and women were shackled at the waist and ankles, sitting tightly packed on seats with no way to lie down to sleep. the indoor temperature grew to 90 degrees. he soon grew delusional. on the third day, general lynch, the van stopped in georgia and 1 of 2 guards on board gave a directive to the prisoners, only body shots, one prisoner said she heard the guard say. the oertsthers began to storm on mr. galic. the guards said later they first noticed his slumped bloody body baltimore than 70 miles later in tennessee. a homicide investigation lasted less than a day and the van continued its journey, the cause of death found to

be undetermined. this is his ex-wife said someone's brother, father, and it is like nobody even cared. general lynch, paying transport contractors on a per mile -- prisoner per mile basis incentivizes overcrowding, overheated van cargo holds, taking shortcuts in officer training, skipping stops to rest drivers and to relieve passengers. each investment into humane conditions and treatment of prisoners cuts into the profit of these companies. despite a federal law athat passed in 2000, these private transport companies operate with virtually no oversight. prisoners have died from untreated medical emergencies because officers have no medical training or don't seem to care. prisoners have been assaulted and raped while cramped into the back of a van just feet from the from transport officers responsible for their safety. the vans are unsanitary and prisoners do not get opportunities to use the bathroom. in addition to these poor conditions, the transport system is vulnerable to prison escapes. no american should be subject to this treatment. but i would like to state clearly for the record that many of the people transported in this system have not even been convicted of any crime. jana's act set out minimum standards for public companies including guard training, cpr, navigation, defensive driving, et cetera. but in spite of these minimum standards, the companies are not being held to account. since the passage of jana's act, it's been reported that at least 56 prisoners have escaped for-profit transport vehicles. 16 committed new crimes while on the run. and, in what it most shocking of all, the act has been enforced by the department of justice one time in 16 years. one time in 16 years. so general lynch, i just ask, what else can be done for us to focus on an issue that was -- we were so concerned about here in congress 16 years ago that we passed legislation but that legislation seemingly goes unnoticed or certainly unenforced. i'll finish just by pointing out a quote from the chief operating officer of one of these companies who said, well, it is regulated by the department of justice but i've never seen anybody come out to actually check on us. what can we do to address this problem that's resulting in putting the result of which is that our communities are made less safe and these prisoners are treated inhumanely?

LYNCH: congressman, you raise an extremely important issue. because of course, the treatment of all those within the criminal justice system at every point throughout that system has to be humane and fair regardless of their status, whether they are convicted or not. certainly pre-trial is just as important a situation and a status as well. i'm not familiar with the situation that you have encountered but i am happy to review that and i would hope that our staffs could continue a discussion about this issue.

DEUTCH: i would be grateful.

GOODLATTE: would the gentleman yield?

DEUTCH: i would be happy to yield.

GOODLATTE: i thank the j for raising this issue. if the general would look into this in-depth and report back to the committee. in addition to mr. deutch, we would very much require that.

DEUTCH: thank you, mr. chairman.

GOODLATTE: thank you, congressman.

GOODLATTE: the chair recognizes the gentleman from arizona, mr. franks, for five minutes.

REPRESENTATIVE TRENT FRANKS OF ARIZONA: thank you, mr. chairman. and thank you, madam attorney general, for coming today. madam attorney general, you mentioned earlier that your first consideration in any case was to start with the statute. i know there are a lot off questions already that address this issue but i want to read you 18 usc 1924 where it says any federal official who "becomes, poe possessed of documents or materials containing classified information of the united states, and knowingly removes such documents or materials without authority and with the intent to retain such documents or materials in an unauthorized location should shall fined under this title or imprisoned for not more than one year or both. now this statute doesn't require an intent to profit or to harm the united states or otherwise act in a manner disloyal to the united states. it simply requires intent to retain. classified documents at an unauthorized location. something fbi director comey's own comments suggest was the case with hillary clinton's investigation. can you walk us through your reasoning on your non-prosecution decision in the clinton case based on this particular statute?

LYNCH: congressman, with respect to the reasoning for my recommendation, as i have stated before, i had committed to, and did, accept the recommendations of the team working on this matter. as i indicated in my opening statement, it would not be appropriate for me as attorney general to go into that level of analysis. i believe the fbi director has chosen to make his recommendations and analysis public in order to afford more clarity in to that. but the team did review the relevant laws, the relevant facts that the investigation revealed. they relied solely on that and not on anything else in making that recommendation, which was unanimous to me.

FRANKS: well, madam chair -- madam attorney general, the fbi doesn't give an opinion or decide if an individual will be prosecuted, you do. but many members already -- i can see where this is going -- they have far more capable members of this committee have summarily failed as i just did to get you to answer even the most reasonable and relevant question. consequently i'm going to simply capitulate to your prodigious skills. in an america that's fundamentally predicated on the rule of law and the equality of us all under the rule of law, there are few things that break faith with america and the american people and undermine their trust in their government more than witnessing the highest law enforcement officer in the land blatantly ignoring the crystal clear meaning and equal protection and equal enforcement of the laws as they were written. madam attorney general, i think such an abrogation of your official duties and responsibility is not just a matter of what will be written large in the annals of your own legacy is something rather that goes to the very heart of the rule of law in a republic that so many lying out in arlington nation cemetery have died to keep. and i hope going forward, if there are other investigations in to the false testimony given to the congress by mrs. clinton, that that will be at least part of your consideration. with that i yield back.

GOODLATTE: chair thanks the gentleman and recognizes the gentleman from illinois, mr. gutierrez, for five minutes.

REPRESENTATIVE LUIS GUTIERREZ OF ILLINOIS: welcome, attorney general. unfortunately, this morning, while america sees children that go to school, elementary school children, murdered in their classrooms, we read and see young people murdered dancing on a saturday night. we see five brave, courageous police officers murdered in dallas, texas, that's not important. the security of the american people and their safety in their schools and in their place

of play, and on their streets, is not important. what's important -- let's go talk about the e-mails once again. and let's bring in to question the integrity, the independence of the u.s. justice department. first they did it to the fbi director last week. and today they're doing it to you. so it's clear where they want to go. they want to talk about regaining credibility and integrity. i want to talk about safety and regaining the trust that the american people need to have in their law enforcement. and you as the chief law enforcement officer of the nation how it is that we bridge that gap given the series of deaths, tragic deaths, that we have seen of young black men at the hands of police officers. i think that's an important issue we should be talking about. i think making sure that my children can go to school, they can go to play, or they can go and protest and that, yes, police officers in this nation that are brave and courageous should be able to go home, too, after they've served the american people. i want to talk about how it is we make that safer. ddf talking about, as they refer to her, hillary. not -- they didn't say the former first lady. the former secretary of state. "hillary." because that's what they want to do. minimize this. then they take us all the way back to bill clinton. 19 years ago. and they ask you about a case that they prosecuted that they lost. i would have thought i'd bring up a case that i won if i was going to talk to the chief law enforcement officer of the united states of americafy wanted to have some credibility. then they talk about that you lost the case. yes, against the virginia governor that took a $6,500 watch. $15,000 in catering. $15,000 in something else. $25,000 in -- whoa. hundreds of thousands of dollars for the governor of virginia. why did you bring that case? thank you! that's what we need. because what happens in america is people don't trust the system. they're not going to trust the system any more today because people are saying to themselves, god, i don't feel safe. having said that, i want to ask you, because i know they're all smiling over there but let them smile at this. kevin mccarthy, their leader that appoints most of them to their leadership positions, said everybody thought hillary clinton was unbeatable. right? but we put together benghazi special committee. a select committee. what are her numbers today? her numbers are dropping. end of quote. their leader. and that's what they're continuing to do today instead of keeping the american people safe. safe in every aspect of their lives. i just want to say to you, attorney general, i think it is regrettable that we have a hearing that we have all of these issues that we confront as a nation. so i just wlantant to say, you said, rather, the answer must be action, peace, comparable collaborative action, we must find a difficult way forward in finding a path. you said, we have to stand together to support one another. we will work seek ways with local officials and residents and law enforcement officers alike. so my question to you is, i saw a group of chicago police officers yesterday for lunch. and nobody has been stronger about making sure that they're accountable for their actions than i have. but i got to tell you, my heart went out for them yesterday. so how are we going to bring the thousands of chicago men and women who serve on the chicago police department, brave, courageous men and women, dedicated public servants, how are we going to bring them together with the millions of american citizens that they are sworn to serve and protect? how are you and i going to work together? i've invited you to come with me, along with robin kelly, to come and discuss laquan mcdonald in our neighborhoods with our people so that we can make our police stronger, so that we can make the people stronger. will you accept that invitation to come? i don't want to talk about the elections. i want to talk about how it is i take brave men and women in chicago that serve in our police department and the millions of american citizens and have them work together. can we do that?

LYNCH: well, thank you for raising this important issue and i thank you again for the invitation. with respect to the chicago police department, we find that we are, of course, working on a pattern and practice investigation involving them. what i will say is that an important part of all

of our pattern and practice investigations are the involvement of the officers. we focus on things like the training they receive and the training that they need. we focus on the omissions and lapses that we see in community connections and the bridge building tools that they need. so they are a vital part of our efforts to provide assistance and training and to in fact strengthen that department so that those bridges of trust can begin to be rebuilt.

GUTIERREZ: my time is up. thank you.but you know congresswoman bass and i, we went out with the protesters when they came out last week. you know what they yelled back at us? they said "do your job." i want them to know we're doing our job.

GOODLATTE: time of the gentleman has expired.

GUTIERREZ: come and visit with us. in chicago. laquan mcdonald deserves that. the chicago police deserve that. the people. won't you please accept our invitation so that we can engage in that dialogue and hopefully have positive impact across the nation.

GOODLATTE: time of the gentleman has expired. chair recognizes the gentleman from texas for five minutes.

REPRESENTATIVE LOUIE GOHMERT OF TEXAS: thank you, attorney general lynch, appreciate your being here. i cannot let the statement of my colleague go unrebutted. to say the death of five police officers that just happened and that we on this side of the aisle think that's not important is an outrage. it is simply an outrage. i won't say that actually, if my colleague had his way, then everybody would be just as disarmed around the country as they are in chicago and in washington, d.c., and we would be losing thousands more of precious black lives in america. but, we're here in the wake of five police officers being killed, and that is a huge deal. and having spent much of my adult career working with law enforcement, it's a huge deal to me. and i know from the law enforcement officers i talk to, they want to make sure that others are not above the law. now chairman goodlatte asked you about the recommendation and you said you saw no reason not to accept the recommendation of the team. how much time did you spend reading the recorded testimony of hillary clinton from that three and a half-hour interview?

LYNCH: congressman, i'm not going to go into the particulars of my briefing.

GOHMERT: no, this is just your own personal work. did you go through in detail all of the statements she made in that three and half-hour interview.

LYNCH: congressman, as i've indicated previously, my role that i had decided earlier was that i would be speaking and meeting with the team who had done that substantive in-depth work for over a year, that had worked on this matter, that had compared the facts --

GOHMERT: you said that several times, attorney general. i don't have enough time to have you keep repeating that four more times. when the chairman asked you about the statute and whether it includes the term "gross negligence," you made an improper statement. you said discussion of the statute would require discussion of the facts. that's not true. from my years of judging on the bench, your comment that discussion of the statute would require discussion of the facts, when he asked you about an element that's contained in the statute, attorney general, that really sounds

like an answer somebody would give who hadn't read the statute and was looking for a dodge to avoid talking about a statute with which they're not familiar. you are aware -- this doesn't require any discussion of any facts whatsoever. but you are aware that in 18 usc 793f, gross negligence is an element of the offense, are you not?

LYNCH: congressman, i refer you to my statement that you just commented on with respect to my answer to the chairman --

GOHMERT: well, if you're not going to answer the question.

LYNCH: the question to me was the meaning of the phrase and i referred to it in that manner.

GOHMERT: you've given no indication whatsoever that you did any independent reading of th evidence, of the statements. was hillary clinton's statement even recorded?

LYNCH: congressman, i'm not going to discuss the specifics of that. i believe the fbi hats provided extraordinary clarity and insight into that --

GOHMERT: well, if you're not going to answer the question, then let's move on. i find it extraordinary that after a three and a half-hour interview interview, so quickly a recommendation is made. so there are inquireing minds that are very intelligent that have said, wow, it almost sounds like on that plane somebody said, look, if you just tell hillary to come in, we're wrapping up but we got to be able to say that we interviewed her, it won't be recorded so she'll be good. it sounded like it was a check the box. you're familiar with "scooter" libby's case and martha stewart's case. came to office. correct? you remember they were prosecuted for making a false statement when the fbi and the justice department couldn't make the case they started out. you remember that?

LYNCH: one in new york and i believe one here.

GOHMERT: right.

LYNCH: here meaning in d.c.

GOHMERT: so that's a pretty common instrument to be used if someone makes a statement somewhere inconsistent in what they tell the fbi, that itself becomes a matter of prosecution. i am shocked. i thought it would be weeks before an answer could be made. but it looks like to do a three and a half our interview you haven't reviewed the facts. you reviewed the team recommendation and i would just encourage you, attorney general, your oath was not to follow the recommendation of some team. your oath is your own responsibility to our constitution and those that are working under you. my time's expired.

GOODLATTE: chair thanks the gentleman and recognizes the gentlewoman from california, miss bass, for five minutes.

REPRESENTATIVE KAREN BASS OF CALIFORNIA: thank you, mr. chair. attorney general lynch, thank you for joining us today. my questions are goioo focus on your role in

addressing the serious situations faced by african-american men and women currently being discussed across our nation. cell phone cameras and now live streaming have provided a new platform to highlight issues that have been known by the african-american community and i might add, in california the latino community, for decades. in the last few weeks we have witnessed one image after another depicting the worst and the best in police conduct. i might also add that in the last week, three young latinos were killed at the hands of law enforcement. the best of law enforcement was demonstrated in dallas by how they protected peaceful protesters and in inglewood, california near my district. then there is the worst with the most recent examples of course in baton rouge and st. paul. while mike brown, eric garner are household names, aelection ya christian, megan huckabee and myron hall are not. i will submit for the record a "say her name" brief written by the african-american policy forum. it stems from the #sayhername campaign which was formed to name and give voice to black women and girls who have lost their lives at the hands of law enforcement. this 45-page report goes through numerous examples of girls and women who have died, african-american girls and women. my question to you is, has the department of justice begun to carefully review cases of alleged law enforcement misconduct related to the treatment of african-american women and girls?

LYNCH: well, thank you for raising this important issue. certainly the treatment of women and focusing on minority women, african-american, hispanic women, and other minority women throughout the criminal justice system is an issue of great importance to me. ranging from their encounters with the police throughout their time in the system. we take of course any death in custody seriously, any d resulting from an interaction with law enforcement seriously and are always reviewing such matters. they are often brought to our attention either directly to the civil rights division or to our u.s. attorney's offices and we, of course, review those matters. other area that we're working on is working with law enforcement loordz as well as academics leaders to ensure we have all the data on encounters between civilians and law enforcement. so that we can in fact have the true picture on what happens to our women, our girls, our sons, our brothers to all individuals who encounter law enforcement.

BASS: let me actually interrupt you on that so i don't run out of time. in terms of a death in custody, i wanted to give you an example of a situation that happened in los angeles where a woman was in custody. she was in jail. and she called her mother and she told her mother to meet her in court the next day. shortly after that, she died mysteriously. it was said that she committed suicide shortly after telling her mother to meet her in court the next day. her mother goes to court and sits there the entire day and they never tell her mother that her daughter has died. so the question is, what's the current system to notify family members about the death of a family member in custody?

LYNCH: well, that sister --

BASS: and i have one more question for you after that.

LYNCH: let me just be brief then. that system would vary depending upon the jurisdiction, whether it -- and who in fact has jurisdiction over authority over the jail or other institution where someone is being held.

BASS: let me get my last question in. across our country, communities have come together to speak up against the violent deaths at the hands of law enforcement. the marches actually reflect the diversity of america and remind us all that this is not just a concern for african-americans but for our nation as a whole. it is interesting to me that the thousands of young white protesters that chant in solidarity "black lives matter" are never acknowledged. black lives matter activists ross the country are beginning to document and complain about increases surveillance and harassment by law enforcement, not during protests but before and after as they go about their daily lives. are you aware of any increased surveillance of black lives matter activists, and if so, why, and under what circumstances would the department of justice become involved in the surveillance of a group like black lives matter?

LYNCH: congresswoman, i'm actually not aware of that issue being brought to my attention. again, it sounds like it may be an issue in a particular jurisdiction. it is across several cities. by the way, if i can follow up with you and give you the specific information.

BASS: yes. if our staffs could speak, i would appreciate that if we could get more information from you, i would appreciate that.

GOODLATTE: the chair recognizes the gentleman from ohio, mr. jordan. i would ask the gentleman if you would yield very briefly to the chair. i thank the gentleman for leading. general lynch, we are now half-way through the members of this committee asking questions and your refusal to answer questions regarding one of the most important investigations of someone who seeks to serve in the highest office in. land is an abdication of your responsibility. this is a very important issue of whether or not the justice department is going to uphold the rule of law in this country. i hope that with the questions that will be forthcoming now, you will be more forthcoming with answers. thank you. gentleman is recognized.

REPRESENTATIVE JIM JORDAN OF OHIO: thank you, mr. chairman. general lynch, who made the decision that no charges would be brought against secretary clinton?

LYNCH: congressman, with respect to that decision, i had determined that i would accept the recommendation of the team.

JORDAN: who ultimately made that decision?

LYNCH: i made that known. then when the recommendation was given to me, i did accept that recommendation.

JORDAN: did you ultimately make that decision or did director comey?

LYNCH: well, director comey was part of the team.

JORDAN: who ultimately made the decision?

LYNCH: the team consisted of prosecutors and agents that did include director co-pli.mey. i previously decided that i would accept their recommendation.

JORDAN: are you saying you made the decision?

LYNCH: i had previously indicated i would accept their recommendation.

JORDAN: on july 1st, you said i'll accept the recommendations of the fbi. mr. comey didn't announce his decision until july 5th. he said he didn't talk to you beforehand. i assume it is not unusual for the attorney general to accept the recommendations of the fbi, the career prosecutors and the team as you've so often cited. what is unusual is to make a big, bold public announcement that you're going to do it. it is one thing to do it. it is another thing to announce ahead of time you're going to do it. what i'm having trouble with, if you commit and announce that you will abide by the fbi's decision before they even finish their investigation, then how can you also say ultimately it was your decision?

LYNCH: congressman, as i've indicated, i accepted their recommendation.

JORDAN: was it not your decision or was it your decision? because it seems to me you can't have it both ways. you can't say i'm the attorney general and i decide but yet i'm going to take their recommendations even before they make their recommendations.

LYNCH: i had indicated that i would be accepting their recommendation because i wanted to make it clear that any conversation that i might have had with the former president would have no impact on the team or their review or the investigation.

JORDAN: you ever do this before zbh.

LYNCH: i have not had occasion to do that before but i felt it was important in this case.

JORDAN: you never announced before an investigation is done that whatever they come up with, maybe they're going to screw it up, who knows. you never announced before that whatever they recommend, i'm going to follow.

LYNCH: it was important in this case to do so.

JORDAN: this is the first time you've ever announced beforehand, i don't care what their recommendations are, by golly, i'm going to follow them.

LYNCH: i had complete faith in the judgment and hard work of the team.

JORDAN: i'm not questioning whether you have faith in them. probably a lot of people have faith in the fbi in a lot of situations. i don't know if they agree with them here. what i'm question issing ingwhy announce ahead of time when you've never done it before, i'm going to follow the recommendations even though i don't know what they are and still claimre thehe ultimate decider.

LYNCH: as i indicated, i felt it was important to express my role in the investigation to clarify my role because i was concerned that the conversation i had with the former president would make people think that there could be some --

JORDAN: that was the trigger.

LYNCH: that in my view was something that needed to be clarified. i felt people needed to understand my role in this.

JORDAN: [interrupting] you had the conversation before they interviewed the subject. that's what triggered you to do this thing you've never done before which is i don't care what they recommend, i'm going to follow it.

LYNCH: my concern was that the conversation that i had with president clinton would be seen by some as having an influence over that. i felt it was important to clarify my role and i felt it was important to clarify that even before i had landed in phoenix, i had made a decision. i felt it was important that people hear that from me.

JORDAN: here's what i think -- i think your actions made it worse. i really do. i think a lot of people already think that there are two systems, as many have talked about, one for we, the people, a entirely different one for the politically connected. your former secretary of state, former senator, you're senator, nominee for president, your husband meets with you five days before decision announced. different standard for those facts. and you proved it. you demonstrated that it's different by your actions because you said you've never done this before so you not only -- you changed your internal practices. you changed the fact that you've never announced beforehand that you're going to follow recommendations before you even have recommendations. your actions contribute to this belief that the system is rigged and that -- you made a bad situation worse by saying i'm going to do whatever they recommend even though i don't know what the recommendations are. i don't know anyone who would nducuct themselves that way when they are the ultimate decider but i said i'm going to wait, i'm not going to wait to see. i'm going to follow it. you showed that this case was different and the law is supposed to treat every single person the same and your announcement, by definition, made this thing entirely different. then of course, what was ultimately decided made it entirely different as well. i yield back.

GOODLATTE: the chair thanks the gentleman, recognize the gentleman from louisiana, mr. richmond for five minutes.

REPRESENTATIVE CEDRIC RICHMOND OF LOUISIANA: thank you, mr. chairman. rome is burning, there's blood on the streets of many american cities, and we are beating this e-mail horse to death. in our last committee meeting, i implored this committee to do something, to have a hearing, to respond to the deaths of alton sterling and philando castile. and when i said it, i said it's important that we act because i am very fearful that there will be bloodshed on the streets and that people will start to take it into their own hands. unfortunately, i was right. and i'm going to ask again that we do something to start to convene a conversation on how we protect both police and citizens. let me -- attorney general lynch, let me ask you -- how do you initiate pattern and practice investigations within your civil rights division, and has baton rouge police department undergone a pattern and practice review?

LYNCH: well, congressman, thank you r r raising this important issue. the investigation into whether or not a police department presents a pattern or practice of unconstitutional behavior can

come about in a number of ways. there have been times when public officials have reached out to us to raise issues of concern. there have been times when community groups or leaders have reached out to us to raise issues of concern. there had been times when specific incidents or actions or cases have themselves raised issues of concern and through the investigation of a particular case. we look at the police department and we may initiate an investigation. there actually had been instances when police departments have come to us and requested a technical assistance or review and we have started it on the practice of what is often called collaborative reform and we have converted that into a pattern of practice.

RICHMOND: baton rouge?

LYNCH: that's baltimore, actually.

RICHMOND: no. have we done that in baton rouge?

LYNCH: the department of justice is beginning the investigation into mr. sterling's death. we will of course be cognizant about issues about the police department that may be raised there.

RICHMOND: let me just give you some background. september 2005. out-of-state troopers accused baton rouge police of harassing black people, illegal searches and unnecessary violence in the days after katrina. troopers from new mexico and michigan totaling seven said that as a thank you, baton rouge police offered to let him beat a suspect to thank them for coming down to help. and that they were ordered to make life rough for new orleans evacuees so that they would leave town. march 2007, brian townsend was arrested for a noise complaint. ended up being hit in the back by officer nathan davis causing him to defecate on himself. he was then kicked in the groin which ended up rupturing his bladder. he was awarded $239,000. officer davis was fired. july 2008, john sanders suffered a fractured skull, brain bleeding and permanent brain damage after being beaten by officer lorenzo coleman when shoulders moved towards him with fists. clinched. he was awarded $350,000. 2011, carlos harris was ordered by officer christopher mcgee to move a car despite harris telling the officer that he was too drunk to drive. harris while attempting to move the car crashed into several police officers. mcgee shot him dead despite being told not to by another officer. harris' family settled for $495,000. corporal robert moruso used excessive force on a 24-year-old man whose head was stomped on and whose teeth were knocked out during a drug raid in 2014. that settled for $25,000. officer michael elsburg resigned after being accused of sending a series of racist text messages ultimately resigned but they have they have not reviewed all of his cases in his arrest. one officer can make a complete difference in the length of time and whether someone gets arrested. i would just ask, formally ask -- i can do it in writing also -- that we initiate a pattern and practice investigation on the baton rouge police department and that is for police departments that may be violating people's civil rights. i will not make an ultimate conclusion of whether they are or not. i will leave that to you all but i would ask for the investigation. mr. chairman, i would ask to submit -- unanimous consent to submit for the record an op-ed written by clint smith that's titled "police killings getting a lot of attention. so should police beatings."

GOODLATTE: without objection that will be made part of the record. miss chu asked earlier and did not get a response from me to put in the record the "say her name" report. without objection, that's made part of the record as well. would advise members there is a vote on the

floor -- one vote. there is about ten minutes remaining in that vote. we'll go ahead and recognize the gentleman from utah, mr. chaffetz for five minutes. we'll recess to give the general an opportunity for a brief break but will resume immediately after.

REPRESENTATIVE JASON CHAFFETZ OF UTAH: i thank the chairman. madam attorney general, thank you so much for being here. does an individual need a security clearance to review or have access to classified material?

LYNCH: congressman, that issue will be dependent upon the agency for whom they worked and the nature of the work that they did.

CHAFFETZ: can you give me an example where you don't need a security clearance to view classified material?

LYNCH: no. as i was going to say, i believe they would but the type of clearance varies with every agency and the agency would make that decision and determination.

CHAFFETZ: is it legal or illegal to share classified information with somebody who doesn't have a security clearance?

LYNCH: congressman, it depends on the facts of every situation. you'd have to determine how that sharing occurred, you'd have to determine the means, you'd have to determine the reason, the intent. certainly depending upon how you view the statute. it could go any number of ways.

CHAFFETZ: so you think there is a scenario in which you could share classified information with somebody who doesn't have the requisite security clearance.

LYNCH: no, i would not draw that conclusion. i would say that i'm not able to answer it as a hypothetical but there are a number of factors that could go into the decision and one could have any number of results.

CHAFFETZ: is it legal or illegal to provide access to somebody who doesn't have the requisite security clearance to view classified material?

LYNCH: to provide access?

CHAFFETZ: yeah.

LYNCH: again, i'd need more facts on the hypothetical but i would like at a number of things and depending on how you reviewed it, it could go any number of ways.

CHAFFETZ: is it legal or illegal to store, house or retain classified information in a non-secure location?

LYNCH: again, i would refer you to the statute. one could in fact have liability. again depending upon the nature, facts and circumstances.

CHAFFETZ: do you have any examples of where it's legally acceptable to retain classified information in and non-secure location?

LYNCH: i don't have a hypothetical answer for that.

CHAFFETZ: is it legal or illegal to provide false testimony under oath?

LYNCH: there are a number of statutes that cover that. both of the federal and state levels. there are a number of ways in which that can be found.

CHAFFETZ: there's a difference between prosecuting something and whether it's legal or illegal. you know, these questions are pretty simple. and we got millions of people with security clearance. how are they supposed to go through the gyrations that you've laid out in order to make a simple determination?

LYNCH: congressman, if we had a specific fact situation, fact pattern, that could be reviewed. when it comes to a hypothetical situation, it would be unfair to come up with a blanket answer to someone without reviewing all the facts of their situation.

CHAFFETZ: i'm asking if it is legal or illegal to share classified information with somebody who doesn't have a security clearance.

LYNCH: again, i refer you to the appropriate statutes. i refer you to the facts of every situation. it would be unfair to give a blanket answer to every hypothetical.

CHAFFETZ: why aren't you telling all the federal employees and contractors who have access to classified information, those in our military, why are we telling them you can't do this, it's against the law. why can't you say that?

LYNCH: we give them guidance. again, every agency does. we give them examples. we give them information as to how to make those decisions. we show them. and again, every agency reviews that.

CHAFFETZ: why is the law not sufficient guidance? is you believe -- is there a flaw in the law? is there a suggestion in the law? i mean --

LYNCH: i don't have a comment on the state of the law. my answer is --

CHAFFETZ: somebody asked me to consult you are the attorney general. and i think you're sending a terrible message to the world, to those people who are trying to make some simple decisions. the lack of clarity that you give to this body, the lack of clarity on this issue is pretty stunning. these seem like simple issues. the team that you talk about in the secretary clinton e-mail scandal, outside of the fbi, who was on that team that you referred to that made the recommendation?

LYNCH: as i indicated before, they would be career prosecutors.

CHAFFETZ: so they're prosecutors. anybody else on the team that was participant in the investigation?

LYNCH: not to my knowledge. i'm not sure if you're referring to anybody else? can you give me some further context for that?

CHAFFETZ: i don't know if they go back and do security clearances, determine classification, whether it's secure or non-secure. i would think somebody outside of the fbi would help you make those determinations.

LYNCH: department of justice --

CHAFFETZ: i'm asking specific to which departments within the department. department of justice is large organization. right? fbi is part of that. prosecutors are part of it. who above and beyond prosecutors and the fbi was involved in this investigation?

LYNCH: as i've indicated before, the doj team was composed of the career lawyers and seasons agents in there. i'm not sure if you're asking about something outside --

CHAFFETZ: is there another unit or other people that were part of it. that was my question. my time has expired.

GOODLATTE: the chair thanks the gentleman. committee will stand in recess for approximately 15 minutes.

[Section from after the recess until 13:02:26 not available]

13:02:36
REPRESENTATIVE SUZAN DELBENE OF WASHINGTON: over the past several years i have come to know a young man, a dreamer, in my district, his name is andre. and he's a truly impressive young man. a bright student, a volunteer in his community, and really an eloquent advocate for individuals across the country with stories just like his. someone like andre knows no other home. his home is washington state. and in my view we should be supporting dreamers like andre, not deporting them. i wanted your feedback on what you think the supreme court's 4-4 ruling means legally for people like andre.

LYNCH: thank you, congresswoman. certainly with respect to the court's 4-4 ruling essentially refers to the most recent executive actions taken by the president. so if someone in young mr. andre's position were --

DELBENE: the original docket, 26 days.

LYNCH: he was not on the original docket. that program has been enjoined at the state and federal level in texas and the 5th circuit. that injunction remains in effect, which means the program is not currently being implemented.

DELBENE: and so if the ruling remains in place, what does that mean for the department of justice and in particular would you view this as essentially taking away the prosecutorial discretion that you would have in any other context?

LYNCH: certainly with respect to prosecutorial discretion, we will still exercise our discretion in terms of what cases with he prosecute and how we prosecute them at the border. at the border, we will focus on individuals who raise a threat to society, particularly those with criminal records, we'll continue to focus on those individuals who have more recently come across the border. we will continue to make public safety the watch word as it always has been of our enforcement actions. and, of course, i'm sure the department of homeland security will be looking at the ruling as well.

DELBENE: to back up a bit, what do you think the role of prosecutorial discretion is in a general sense and do you exercise prosecutorial discretion in other contexts outside of immigration?

LYNCH: we exercise prosecutorial discretion in every context because of resource issues for the most part as well as the different priorities presented by the challenges of the law enforcement environment. we, of course, are focusing great attention on matters like violent crime and the heroin opioid issue today and making sure we have sufficient resources to cover those important issues. immigration cases are a large part of our docket. we try to handle them thoroughly, efficiently and fairly as well. we try to make sure we protect individuals who live in immigrant communities who still have a need to come forward to law enforcement.

DELBENE: why do you think this particular case is so controversial given that you used this discretion in other ways?

LYNCH: i can't speak to the points that others choose to make about the decisions and the policies that are set forth. i leave that to them to characterize their views and why it is important. but certainly from a prosecutorial perspective, managing resources is an important part of what we do. determining the people who should be our priority targets for prosecution is something that we do on a routine basis and we took a number of things into account for that. we look at the -- as i indicated before, the type of threat posed by individuals, certain groups of individuals. we look at the amount of law enforcement resources that we have to handle a situation and our ability to augment those resources or whether they're being diminished over time. so we -- a number of things go into that calculation.

DELBENE: indiscriminately deporting immigrants, will that make us safer?

LYNCH: certainly, i don't have a comment on the policy there. i think that for -- from a prosecutorial discretion point of view, we do focus on individuals who pose danger to the community. that is our focus, is the protection of the american people. so individuals who have a violent background, violent history, who have engaged in violence, those would be individuals we with look at and find a way to remove them from the community. either by prosecution, there could be deportation again. we work with the department of homeland security on that issue since they handle deportations per se. so we with look again at trying to make the community as safe as possible.

DELBENE: thank you so much. i yield back, mr. chair.

GOODLATTE: chair thanks the gentle woman.

REPRESENTATIVE TREY GOWDY OF SOUTH CAROLINA: madam attorney general, the central issue to me is this perception of frankly rooted in some realities of a dual track or two-tiered justice system. and i know you have dedicated your career to the pursuit of justice. you work for a blindfolded woman who is holding nothing but a set of scales and i think it is important that she's blindfolded because she shouldn't see the race, the gender, the social economic status, the fame or lack of fame of the person in front of her. and i'm sure you've experienced it like some of the rest of us, it is not just the suspect or the target or the defendant. the witnesses have to have confidence in the justice system. the jurors have to have confidence in the justice system, the public has to have confidence in the justice system. so this dual track, different set of rules for certain people, and for others, frankly should not matter whether you are running for president or running late to a kid's ball game. the same rules ought to apply to everyone. so let me ask you this. why do you think it is important to use official e-mail to conduct official business?

LYNCH: i believe it is important to do that. i think that certainly every department has chosen to craft the way in which they carry out their business and it provides for a way of doing business in the secure system.

GOWDY: so you use official e-mail to conduct official business.

LYNCH: yes, sir, i do.

GOWDY: okay. and do you ever e-mail, send or receive classified information, on personal e-mail?

LYNCH: i do not.

GOWDY: i doubt you even used your usdoj.gov account.

LYNCH: we have separate systems. so we --

GOWDY: classified system. right. not only do you not use personal e-mail to do it, you don't even use your usdoj.gov. you have a separate dedicated system to handle classified information. why?

LYNCH: we have a separate system to handle security needs.

GOWDY: my question is why. why is it important enough to you to not use personal e-mail to conduct public business and to use a separate more safely guarded system when you do handle classified information.

LYNCH: that is the practice i've certainly always followed.

GOWDY: it is not just your -- it is not just a personal preference.

LYNCH: it allows for the protection of the information. both on a regular system, because, again that is still sensitive, law enforcement types of matter and classified system for separately classified information.

GOWDY: what element do you think was lacking in the statutes that you evaluated as it relates to secretary clinton.

LYNCH: let me again as i've indicated before and i want to make it clear that as i indicated before, the reason why i will not be going into the analysis that was provided and the discussion we had between myself and the team is because we protect our teams and they have to be free to provide information and analysis in a confidential way without the fear or impact of there being a political influence on that.

GOWDY: i understand that.

LYNCH: that's why i've not gone into that type of discussion. what i can tell you is that the team did evaluate the relevant statutes considered in this investigation, they looked at all of the facts and evidence, and as in every case, they applied them to that statute to determine what --

GOWDY: my question to you is what element of which offense did you find lacking from an evidentiary standpoint?

LYNCH: well, i would say in order to answer that i would have to go into the entire level of analysis.

GOWDY: don't you think public perception in a single track justice system is important enough that you could at least touch on what you thought was lacking?

LYNCH: congressman, in this case, we have taken the unusual step of discussing it in ways that the department typically does not. in order to provide more clarity to the situation. and while i understand that it is frustrating to a number of people, civilians as well as members of this body alike, we have taken extraordinary steps to discuss this matter in ways that typically we do not.

GOWDY: let me ask you this --

LYNCH: as i indicated before, just so it is clear, my reasons for not going into the substance of the information that i received and reviewed before i made my decision to accept the recommendation are that the teams that i work with, whether it is this case or any other, be free to provide confidential analysis, discussion, without the input of --

GOWDY: with all due respect, madam attorney general, you can do all of what you just described and still tell the people what element -- the element of a criminal offense are public. there is no secret there. and for you to go through the elements and say, as director comey did, he said there is no specific intent. i'm out of time, i suspect you have prosecuted reckless homicide cases, haven't you?

LYNCH: in the context of violent crime.

GOWDY: how about involuntary manslaughter?

LYNCH: for the department or personally?

GOWDY: as a prosecutor. there is involuntary manslaughter, there is reckless homicide, there is felony dui, you didn't mean to hurt anybody, you really didn't, but you did. and this lack of specific intent is not a defense in any of those cases. so i think the public would like to know how you determine she did not have the intent to break the law and why you are applying a specific intent requirement here when you don't even do it in certain homicide cases.

LYNCH: well, congressman, as i said, i think you mentioned a number of state cases there, but as i said, the reason why i am not going into the discussion i had and providing that level of information, though the fbi director did choose to do so, is that the information the team provides to me on this or any other case has to be given in a zone of confidentiality so they can be clear and sure there is never a p overtone to their decisions, nor will i apply one in accepting their decisions. that's why we have taken the unusual steps of providing greater information as frustrating as that has been for a number of people to have additional information. that's why i took the unusual step of clarifying my role in this investigation.

GOWDY: i'm out of time. only thing i find frustrating is even after this, and director comey, people still believe that if you are famous, there is a different set of rules than if people don't know your name. i think you're missing a wonderful opportunity to say, with specificity, which evidentiary element you found lacking. so congress can fix the statute if you think we need to. but right now we have no idea whether or not a president lynch could do exactly what secretary clinton did or whether president clinton could do exactly what secretary clinton did. i think that lack of clarity is bad for the republic, quite frankly. i would yield back.

GOODLATTE: chair thanks the gentleman. recognizes the gentleman from rhode island for five minutes.

REPRESENTATIVE DAVID CICILLINE of RHODE ISLAND: thank you, madam attorney general, for being here and for your time. we see violence and guns continuing to plague our communities. and building communities of trust and respect are critical in reducing the ability of dangerous individuals to easily access guns as part of the answer. what i really want to focus my inquiry on is the first part of that effort. and i was before coming to congress the mayor and my chief used to say, the most powerful weapon in fighting crime and keeping communities safe is the trust and confidence of the people they serve. i had the unfortunate occasion to both comfort families who lost a loved one to gun violence, mothers and fathers and siblings, as well as to -- in april of 2005, to have lost a police officer to a shooting inside the providence police station, detective jimmy alan, painful for the city and the department, both of those examples are horrible and painful events, not capable of easy answers or quick fixes. but one thing that i found as mayor of the city -- when i took over, we had a police department that was under investigation by the department of justice for a patterns and practice civil rights issue. time wassen en crime was on the increase and the community lost faith in the department. we really rebuilt the confidence of the community, the department became accredited, remarkable turn around. and

we produced the lowest crime rate in 40 years. it was an example of investing and building relationships which had seen the policing community which made the police officers safer and made the community safer. i want to ask what the department of justice or congress can do to help that kind of thing happen in other cities around the country. there was a 2007 national survey of police leaders and they identified insufficient resources and the support of front line officers as the two major obstacles to implementing community policing models effectively. i love your thoughts on what we do as congress to close the gaps with local and state law enforcement agencies.

LYNCH: thank you for raising this important issue, one that has become central to my tenure as attorney general. i had the privilege of joining communities to determine they would rebuild to a positive relationship, so as you note, it can be done, it has been done and i have seen it done. with respect to the department of justice, we are supporting the work of community policing around thecountry, through our community oriented policing service that provides technical assistance to police departments upon their request. one of the things we try and do is match up police departments facing specific issues, crowd control, for example, a question about whether there is excessive force policy really is sufficient. we try and pair them with police departments that have dealt with those issues and in fact come to a positive working relationship. so they can have a peer to peer connection. there is a tremendous amount of positive police work being done in this country. and we need to spread that as well. we are also supporting through cops grants local municipalities, hiring additional officer and retaining those officers. through supporting the recommendations of the president's task force on 21st century policing, we're supporting a number of pillars, particularly officer safety and wellness. i've been privileged to watch some outstanding training focusing on instilling in officers from the beginning of the time on duty that when they're encountering someone on the worst day of that civilian's life, they themselves need as much support and training as possible. the issue of resources is one that is raised with me a great deal. with respect to officers and departments who want to set up wellness programs, who want to have a dedicated community policing officer, who want to expand their school resource officer program, and yet their municipalities are struggling to provide the resources. we try and help. of course, assistance with that is always welcome. i'm happy to have our staff speak about ways in which we can work together on that.

CICILLINE: great. and just quickly, in connection with that, there was a 2006 department of justice report that found police academy spent an average of 110 hours training their recruits on firearm skill and self-defense but only eight hours on conflict management and mediation. i'm wondering whether or not you think that's a sensible allocation and what can be done really to give a more bal approach in the training because that's part of it. and i'm hoping out of this difficult time that we are experiencing because of the tragedy in dallas and the other shootings we're seeing around our country we can come together and respond to this. i would love your thoughts on that.

GOODLATTE: the time of the gentleman expired. the witness will be permitted to answer the question.

LYNCH: i believe police departments around the country are looking at that issue and trying to ensure that they have ongoing training in mediation, conflict resolution, most importantly de-escalation at the police academy. and also throughout the life of the sworn officers. i've been

privileged to see some of the training given to on duty officers as part of the continuing education.

CICILLINE: thank you. i yield back.

GOODLATTE: the chair would advise members there is another adjournment vote on the floor. motion to adjourn. the gentleman from idaho is recognized for five minutes and then the committee will stand in recess to take that vote.

REPRESENTATIVE RAUL LABRADOR of IDAHO: thank you. madam attorney general, thank you for being here, thank you for your service to this nation. i happen to disagree with director comey's conclusion, but i have a great deal of respect for him. i have seen him to be nothing but an honorable man and reasonable minds can disagree. i have questions similar to what have been asked before, but a little bit different. director comey said repeatedly that secretary clinton and her colleagues were, quote, extremely careless in their handling of very sensitive highly classified information. do you agree with there assessment?

LYNCH: i don't have a characterization of their actions. typically we do not characterize the actions of individuals that was director comey's assessment of that.

LABRADOR: so you don't accept his assessment, but you only accept his recommendation to not charge?

LYNCH: as i said before, i did not come to a characterization or description as he did of individual behavior. my discussion was focused on the investigation, what it revealed and how it applied to l leg standards.

LABRADOR: secretary clinton had a security clearance while she was serving at the state department, correct?

LYNCH: as far as i know that is correct.

LABRADOR: if any other federal employee with a security clearance is extremely careless with classified information, in your opinion, what would happen to that person's clearance? >>

LYNCH: i believe the matter would be reviewed and investigated and the appropriate actions would be taken.

LABRADOR: and in fact, director comey suggested if secretary clinton or anyone else the facts uncovered in the fbi investigation could have cost her that security clearance, is that correct?

LYNCH: i don't want to characterize the director's statements or testimony, i'd have to --

LABRADOR: anybody else would have been extremely careless with their security information, they would have lost their security clearance, correct? >>

LYNCH: the matter would have to be reviewed and handled according to the rules of the relevant agency.

LABRADOR: in your experience as a federal prosecutor, if any other american with a security clearance had acted extremely carelessly with classified information, what would doj's position be in prosecuting that person?

LYNCH: with respect to whether or not a prosecution would ensue, the issue is the same as here. whether or not it rose to a legal standard of all the statutes that were considered.

LABRADOR: you would look at that, correct?

LYNCH: the same consideration that was done here, but it would have to, again, reflect all of the relevant facts and not just a characterization of that. again, i did not make a characterization.

LABRADOR: would it be that somebody acted extremely carelessly while -- what if that individual transacted business on gmail.

LYNCH: as i said before, i don't have a characterization or description.

LABRADOR: i'm not asking for -- i'm not asking for that. if you would have found a regular person working at doj extremely carelessly handling classified information, on gmail.

LYNCH: my only point is the legal standard would have to be met and you would have to look at the relevant statutes regarding that person's information and how it was --

LABRADOR: was director comey correct -

LYNCH: the description does not go to that.

LABRADOR: was director comey correct when someone is found to have mishandled classified information?

LYNCH: certainly if he was speaking about the steps that the fbi would possibly take, i would certainly reflect -- i think that would be reflecting his agency's own understanding of >>

LABRADOR: has the department ever that. reprimanded, terminated or prosecuted an employee for mishandling classified information?

LYNCH: i'm not at lirb tyberty to go into that.

this would be a public record. if you have prosecuted somebody.

LYNCH: it would be a public record. i don't have that information now for you.

LABRADOR: and you have not reprimanded or terminates anybody who has mishandled classified

LYNCH:i don't know the information information. to that information. i'm happy to have our staffs speak and provide you with whatever information we can consistent with doj policy and the law.

LABRADOR: if a low level attorney was reprimanded for carelessness for classified information, would that person have any chance of being promoted or advancing in their career?

LYNCH: i can't speak to a hypothetical. i would be careful using a characterization or description instead of --

LABRADOR: you want us to respect the conclusion, but not the work.

LYNCH: look at the facts in every situation.

LABRADOR: i'm sorry, i'm confused by your statement. you want us to respect this conclusion, when i do, though i disagree with it, but you don't want us to respect his words or to take any kind of statement that he made at face value. is that what you're saying?

LYNCH: my answer is, as i said before, a characterization or description is not the issue. it was a relevant legal rellstandard reached.

LABRADOR: you can't tell us if one of your employees carelessly used information whether you would advance them in their career or not?

LYNCH: we look at every case and all the situations, all the facts and all the issues. we apply the rules and we come to a decision or determination there, consistent with the rules of our organization as i believe any other organization would.

LABRADOR: i yield back my time.

CHAIRMAN GOODLATTE: the committee will reconvene when we recessed we were questioning general lynch under the five minute rule and we now recognize mr. jeffries for five minutes.

REPRESENTATIVE HAKEEM JEFFRIES OF NEW YORK: thank you, mr. chairman. i want to thank t attorney general for your presence here today for your leadership in this country. let me first just associate myself with the remarks that have been made by others with respect to expressing concern about the apparent willingness of the antitrust division of the department of justice to move from a model of fractional licensing to 100% licensing in the context of the ascap and bmi consent decrees. i think songwriters and publishing community is under siege and this will exacerbate the problem. i have great respect for my colleagues on the other side of the aisle, but we are in the midst of a gun violence epidemic here in america. five police officers were killed in dallas, texas. 49 members of the lgbt community were gunned down in orlando. 14 americans were killed at a holiday party in san bernardino. nine individuals, god fearing, folks were killed at a church in charleston, south carolina. 20 children were killed at a school in newtown, connecticut. we have mass shooting after mass shooting after mass shooting, yet this hearing has been about e-mail. not the gun violence epidemic, not the explosion of mass

shootings, not the tense relationship between the police and communities of color. it has been about e-mail. this is not a legitimate oversight hearing with the attorney general -- it is a fishing expedition. it's a reckless legislative joy ride designed to crash and burn. it's a sham. and the american people in the midst of an incredible gun violence epidemic throughout the country deserve better. let me ask a few questions about the relationship between the police and the community in the little time i have remaining in context of the eric garner case. you testified that it was important to try to strengthen the relationship between the police and the community to increase trust. is that correct? would you agree that one problem we have in america is the fact that there are many people who believe that when police officers, the overwhelming majority are hard working public servants but when some police officers use excessive force resulting in depth often an african-american male sometimes unarmed that that officer is rarely held accountable by the criminal justice system.

LYNCH: people have expressed that to me throughout my travels as a concern that they have.

JEFFRIES: about two years ago eric garner was killed as a result of a choke hold deployed bens him in staten island. is that correct?

LYNCH: i'm not able to give you the conclusion but certainly a matter under investigation.

JEFFRIES: he was killed. i'm not saying a homicide justifiable.

LYNCH: yes, approximately two years ago.

JEFFRIES: you opened up an investigation in december of 2014 or december of 2015 perhaps in connection with the death of mr. garner, is that right?

LYNCH: late 2014.

JEFFRIES: late 2014. and so that investigation is still ongoing, is that right?

LYNCH: yes it is.

JEFFRIES: and in order to --has s the standard by which the department of justice will consider whether a civil rights action is merited?

LYNCH: in terms of referral or ultimate conclusion?

JEFFRIES: ultimate conclusion.

LYNCH: we look at the law and facts and determine if we are able to meet elements of relevant statutes.

JEFFRIES: what is relevant statute in this case?

LYNCH: one statute that is often considered in cases is 18-usc 242 which would essentially criminalize the use of excessive force by a law enforcement officer.

JEFFRIES: is the fact that mr. garner said i can't breathe and on 11 different times the officer failed to respond, is that a relevant consideration in terms of intentionality?

LYNCH: i can tell you all facts are being considered by the team.

JEFFRIES: the fact that choke hold had been outlawed previous ten years, is that a relevant consideration in terms of intentionality?

LYNCH: i can tell you procedures and training would be part of what is considered in the case. i'm not able to go further into merits of that.

JEFFRIES: with the fact that eric garner was unarmed is that a relevant consideration in the universe of facts that the department of justice is considering?

LYNCH: everything is under consideration.

GOODLATTE: recognize gentleman from texas.

REPRESENTATIVE BLAKE FARENTHOLD OF TEXAS: thank you. first off, i would like to respectfully disagree with a comment the gentleman from new york just made. this line of questioning isn't about e-mail but about national security. someone at the top level of our government being extremely careless with classified information. i think the other day my colleague from texas made the former cia agent made the point that mishandling classified information has real repercussions to men and women working in the intelligence field and potentially puts their life in jeopardy. are federal employees prohibited from removing classified materials and placing it on open or unclassified networks?

LYNCH: generally speaking --

FARENTHOLD: yes or no? they are not allowed to do that?

LYNCH: it would proebt.

FARENTHOLD: are people able to retain classified documents in unclassified environment?

LYNCH: generally, no.

FARENTHOLD: let me ask you a question and get back to ms. clinton. how did this information wind up on her server? i doubt she was savvy enough to move it from one to the other and didn't have patience to retype it so other people sent it to her. you think those people should be prosecuted?

LYNCH: with respect to any individuals considered in the investigation, as i indicated i won't be going into discussions about them. as i indicated earlier i know this is a frustrating exercise for you.

FARENTHOLD: it is clear you are not going to answer my question. it is clear you are not going to answer my questions. you appointed by the president who called himself i think wanted

to create the most transparent administration ever. so i'm going to ask questions the american people posted on my facebook page. both mark from portland, retired coast guard and person from georgia want to know what you discussed on the plane with president clinton.

LYNCH: what i can tell you is exactly what we discussed was as indicated earlier when the president indicated he wanted to say hello. i said he could say hello. he spoke to myself, my husband. there were two flight crew members on the plane. he spoke with them briefly. the former president then spoke at length about his grandchildren.

FARENTHOLD: he didn't speak at all about any pending investigations or mrs. clinton's problems with the e-mail?

LYNCH: if i can continue with what was discussed -- we did not discuss anything about a case or matter before the department of justice. we did not discuss mrs. clinton. he spoke about his grandchildren, his travels.

FARENTHOLD: i have five minutes and you are doing very good at burning up the time and stone walling. i want to get to questions. have you ever met with anybody else on your plane on the tarmac?

LYNCH: i have not had occasion to meet with anyone in my plane. i have been traveling at the airport and public individuals have asked to say hello.

FARENTHOLD: had any other meetings of more than a couple of minutes off the books with mrs. clinton, president clinton or their close associates?

LYNCH: i have never had any other conversations with either former president clinton or mrs. clinton before this except to say hello or in a photo line. and the other individual you mentioned also no.

FARENTHOLD: so getting back to facebook questions. martin from corpus christi retired coasty would like to know if a military person handled classified information the way mrs. clinton does would he or she been prosecuted?

LYNCH: i think that we have to look at this from the situation of if the exact same facts were presented and the exact same laws considered the same conclusion would be come to. that is what dector comey has indicated. every case is viewed differently. again, if you have the facts as presented today applied to the laws reviewed here --

FARENTHOLD: one more question to get. this is a friend of mine from luling, texas. we have seen several attorney generals that have been asked to resign on their own when scandals have come up. i think people have been using that word with respect to this and to suggest that you should have recused themselves on this. should the president replace an attorney general or should there be separate enforcement for different classes in.

GOODLATTE: the time of the gentleman has expired.

LYNCH: thank you, mr. chairman. there is no separate method of enforcement for anyone here. as i said before while i understand the frustration of people who disagree with the decision, i will say that it is similar to the frustration i have encountered when i as a prosecutor or others have to explain to someone why charges are not being brought if their family members involved and the like. i understand the emotion that things generate. i understand the frustration that it generates but it is something we take very seriously. we follow the law. we follow the facts in every single case.

FARENTHOLD: thank you. i see my time is expired.

GOODLATTE: thanks. recognize the gentleman from florida for five minutes.

REPRESENTATIVE RON DESANTIS OF FLORIDA: the team that recommended not to prosecute secretary clinton did that include deputy attorney general?

LYNCH: congressman -- the day to day team did not.

DESANTIS: office of legal counsel or office of legal policy?

LYNCH: you asked about deputy attorney general sdp and i wanted to provide that informatio

DESANTIS: he was not on the day to day. he was not?

LYNCH: she was part of the chain of review but not on day to day team.

DESANTIS: what about head of national security division?

LYNCH: the nsd was the component that was leading this and so the head of the nsd or national security division would have been --

DESANTIS: head of the criminal division?

LYNCH: no. i will tell you the team was led by nsd and therefore its head you asked about the deputy attorney general that's sally. she was in the chain of review but not the day to day team and fbi director i don't know the intermediate level supervisors there who would have been involved.

DESANTIS: director comey said department of justice has grave concerns whether it is able to prosecute. do you have grave concerns about prosecuting anybody under gross negligence standard?

LYNCH: our concerns are whether or not we have the facts to support the charge.

DESANTIS: assuming you have the facts. forget about this case, do you have grave concerns about bringing a prosecution under gross negligence?

LYNCH: i would have to have the factual record before me.

DESANTIS: did any people on the team that advise you, did they tell director comey that they had grave concerns about bringing a case.

LYNCH: congresman i wasn't privy to those conversations --

DESANTIS: you guys prosecute environmental crimes, correct?

LYNCH: we do prosecute.

DESANTIS: those are constitutional prosecutions, right?

LYNCH: we do prosecute a number of --

DESANTIS: people prosecute for homicide. you can have negligent homicide. so director comey said people say you can do this but how come there haven't been cases brought recently? how many cases has the justice department declined to bring under 18 usc section 93 f because they were concerned about the gross negligence standard?

LYNCH: i don't have the answer to that.

DESANTIS: do you know if any have been decline snd.

LYNCH: don't have an answer to that.

DESANTIS: you can say people haven't been prosecuted under but maybe people in the civilian sector have met their responsibilities by and large and not been extremely careless with it. i'm a little bit disappointed with how you have approached this. i think that given the circumstances that are involved in this case -- i'm just talking about the appearance anceance of what the average joe sees. you were appointed to be u.s. attorney. your current boss said before comey's recommendation that hillary clinton having top secret information did not damage national security. you, of course, met with bill clinton privately days before the decision was announced not to go ahead with this prosecution. your current boss has endorsed secretary clinton to be the next president of the united states. they had a campaign trip scheduled i believe the afternoon that director comey announced his findings. with all of that surrounding a lot of people have concerns about whether this decision was made with proper integrity and basically what you have told us today is i'm not going to talk about it. i'm not going to justify it. it is what it is. that falls very short i think of what a lot of people want. i have noticed that you have been willing to opine on other instances when it suits you. for example, in orlando in june you said the most effective response to terrorist is compassion, unity and love. you said after the san bernardino attack that your greatest fear was the rise of anti-muslim rhetoric. that was something you volunteered. you discussed the possibility in march of bringing civil actions against people who denied climate change. of course, you also discussed taking potential criminal action against those engaged in anti-muslim speech. i w to ask you whether your hear no evil see no evil performance today, if somebody honestly looks at what happened here and thinks if they were a junior officer in the navy or mid level official and they treated classified information like this that they would have been held accountable. do you understand a lot of people will not be satisfied with that?

LYNCH: as i have indicated i understand people are often frustrated when they don't either understand or have clarity into the reasons behind a decision. in this matter there have been a number of times where unprecedented clarity has been provided. that was unusual clarity. to his thinking in what led up to his recommendation.

DESANTIS: unusual for the justice department to be investigating somebody endorsed by the sitting president. i believe that is completely unprecedented. a lot of things. i'm out of time. i do appreciate your time but i'm definitely not satisfied with your answers.

GOODLATTE: and recognizes the gentleman woman from california for five minutes.

REPRESENTATIVE MIMI WALTERS OF CALIFORNIA: thank you. ms. lynch, during last week's oversight hearing chairman chaffaetz asked director comey about access to e-mails for the purpose of document review specifically he asked did hillary clinton give noncleared people access to classified information? director comey responded yes. my question is this. does the conscious decision on the part of secretary clinton to grant access to classified information to her attorneys who did not have security clearance constitute criminal intent which describes the intent element as the following, willfully communicates delivers transmits or causes to be communicated, delivered or transmitted or attempts to communicate, deliver or transmit or cause to be communicated, delivered or transmitted to any person not entitled to receive it?

LYNCH: congress woman, i would need to have information about the recipients, what information and what background they had, clearances they had or didn't have and i am not able to provide you with that answer because i don't have that full information.

WALTERS: so you do not know if her attorneys had security clearance?

LYNCH: i do not have that information.

WALTERS: my understanding is they did not. having said that, we will move on. i want to address another doj related matter before this committee. on october 28, 2015 you appeared before this committee for an oversight hearing. during that hearing i noted that fbi director comey confirmed that the fbi was investigating criminal allegations within the department of veterans affairs related to minipulation of wait times. i asked a series of questions regarding doj's role. i note that none of these questions would have necessitated answers that compromise active investigations. provide those answers during the hearing. however, you twice committed to have office of legislative affairs provide information to my office. your staff inquired whether they could provide answers rather than official questions for the record. and the promise from your staff was that the answers would be quicker and provide more substantive information. i agreed because i am more concerned with getting real answers so we can ensure that our veterans receive the care that they have earned. after six weeks that informal phone call took place citing ethical and privacy concerns your staff refuse to answer many questions, quite the opposite that a promise that informal call would be more substantive. i can assume your staff induced to avoid answering the questions. i attempt to inject transparency for subject of immense public importance and coordinate to get answers and develop solutions. i sent a follow up letter to you asking for in person meeting with an official who can provide answers. i received a response that

stated that the doj and i quote provided you with information as appropriate and consistent with the department's law enforcement responsibilities. i want to clarify. i received no information. so after eight months i will try again. can you provide status update regarding this investigation?

LYNCH: certainly i can tell you that there has been at least one prosecution. i believe it was southern district of georgia and there have been other matters under investigation that are not resolved yet so we are not able to provide information about them. and certainly, again, if you would reach out we will attempt to provide whatever information we can. where a matter is open we are not able to provide that information. but it is something we take very seriously.

WALTERS: of the case that was prosecuted was that case a charge against the v.a. for manipulating wait times?

LYNCH: i will get back to you.

WALTERS: i appreciate a response from you or your staff. how many v.a. medical facilities are under active investigation and when do you expect those --

LYNCH: i missed the first part.

WALTERS: How many v.a. medical facilities are under active investigation for manipulating patient wait times and when do you expect those to conclude?

LYNCH: i am not able to give you a time table for open investigations. i don't have the number. we will see if we can provide clarity on numbers.

WALTERS: you should be able to provide clarity on numbers. they wouldn't give us any information and it is very frustrating. another question. to prosecute or press charges against v.a. employees for manipulating wait times?

LYNCH: i don't have that information. we are not asking specific private information of people. can you provide reasoning that the doj declined to pursue each case? so i will look forward to having my answers from your staff and i appreciate and i yield back my time.

GOODLATTE: chair expresses interest of community in getting answers to the questions, as well. the chair recognizes the gentleman from michigan for five minutes.

REPRESENTATIVE DAVID TROTT OF MICHIGAN: attorney lynch, thank you for your time today. in 1965 a member of the senate labor committee complained that the chairman of the committee that the new junior senator from new york was getting preferential treatment and the chairman responded i'm not treating bobby kennedy any different than future president of the united states.

LYNCH: she received no treatment different than any other. the only difference in this case is that we have provided more information about at least from the fbi's point of view the investigative team's thoughts on this.

TROTT: a member of your staff took classified information home and put it on their server, laptop nothing wouldhappen?

LYNCH: we would review the matter and come to the appropriate decision. we would look at relevant ramifications and see what fit.

TROTT: the meeting on the tarmac with former president clinton was pretty fortuitous meeting for you?

LYNCH: i would not say that.

TROTT: it gave you a perfect alibi. if you recused yourself as some suggested because you are friends with the clintons and hope to be attorney general in her administration then you can say i defer to fbi director. you using meeting to say i can't answer your question. isn't that what happened here?

LYNCH: i would not say it is fortuitous for me or anyone. it led me to take another unusual step in the case.

TROTT: i knew you weren't going to answer our questions today. i apologize for wasting so much time here because it has not been very productive. i ask my staff to count the number of times you would say i can't answer that question or refuse to give an appropriate response. it has happened 74 times so far. so really one or two things either you are saying that to avoid appearance of impropriety or trying to protect hillary clinton. so my colleague, mr. smith, asked earlier if you had talked to bill or hillary about serving as attorney general in hillary's administration. have you talked to staff?

LYNCH: no

TROTT: sdpmpt whether anyone in the transition team?

LYNCH: i have not spoke to anyone on the campaign or transition or staff members affiliated.

TROTT: do you want to be attorney general?

LYNCH: my focus is on being the attorney general throughout the remainder of this administration and dealing with issue yz have discussed here particularly focus on law enforcement and community relations and national security as represented in the most recent tragic accidents. my work involving vulnerable victims of human trafficking. my focus is on making sure resources and assets of the department of justice are dedicated towards those important goals particularly when it comes to individuals who feel at odds or left out or somehow cut out of our society and therefore are in a situation where their relationship of trust with law enforcement --

TROTT: thank you general, i reclaim my time. why did you tell the fbi security detail not to have any cameras or phones when you met with president clinton on the plane?

LYNCH: i didn't make comments?

TROTT: nobody directed security detail not to take pictures?

LYNCH: i did not splmpt dw last.

TROTT: last week director comey said hillary clinton didn't tell the truth when she turned over e-mails and that nothing was classified, that she only had one device. he was pointed in his comments that she wasn't telling the truth about all of those matters. do you think she told the truth in.

LYNCH: my understanding is the committee was going to decide whether or not to make a referal. if that were the case the matter would be reviewed and it would be not appropriate to go into it until then.

TROTT: you are really using that meeting as a way to avoid answering questions. you are saying it to avoid appearance --

LYNCH: my conversation with former president clinton as a way to explain how it would have no impact on the case. i felt it was important to explain that because i had earlier decided to accept the team's recommendation. we didn't talk about anything involving cases or the investigation itself. the conversation was as i have noted earlier primarily personal. we have taken that unusual step so there would not be a view that there would be influence on this matter at all.

TROTT: and you have used that to not answer our questions today.

LYNCH: i have answered your questions.

TROTT: let's segue to mortgage settlements where in excess of half a billion dollars was put into a slush fund to be steered towards liberal community service groups. anymore information on whether the attorneys at doj that were involved in mandating money not be steered towards conservative groups? the settlements that were crafted in some residential mortgage-backed securities resolutions i believe our staffs have had discussions about that. we have provided information to answer questions about that. i believe we are working to provide more information. let us know if there are additional questions there. those settlements were, in fact, under the statute did generate large fines and payments to other groups were not of government funds but went to organizations that have helped tens of thousands of americans modify mortgages and bring their homes out from being under water and allow them to keep their homes which is the consumer relief that we were hoping we could effec chat.

TROTT: i yield back my time.

GOODLATTE: recognizes gentleman from michigan, mr. bishop for five minutes.

REPRESENTATIVE MIKE BISHOP OF MICHIGAN: thank you, mr. chairman. thank you for being here today. i know that the attorney general's office is required to -- folks in your office

are required to attend ethics training every year. are you required to as the attorney general to attend those, as well?

LYNCH: i do.

BISHOP: and do they cover the issue of conflict of interest and doing whatever is possible to avoid impropriety?

LYNCH: yes.

BISHOP: i know you have indicated that you regret the unscheduled meeting and the most important thing for you as attorney general is integrity for department of justice. do you recall when and whom told you that former president clinton wanted to speak with you?

LYNCH: as i indicated i was getting ready to leave the plane to disembark with my husband. i don't recall who but i was informed that former president clinton wanted to say hello. i agreed he could say hello. he did come on board.

BISHOP: right at that very moment i want you to think back, did you think for a split second that maybe perhaps that wasn't the right thing to do? there might be a conflict of interest to have that meeting with the spouse of a person under investigation, a key witness in another investigation. did you think about that?

LYNCH: i will tell you, congressman, at that moment my thought was that i respond to courtesy with courtesy and i viewed it as a brief social greeting and turned into a longer conversation than i had anticipated.

BISHOP: anytime during that meeting did you -- you say in retrospect you regret it. did you regret it at all?

LYNCH: at the time that we had the conversation as i indicated i viewed it as a social conversation similar to when other individuals asked to say hello. we speak and move on.

BISHOP: you answered the question. thank you very much for that answer. you have indicated that career prosecutors from your office assisting in the investigation reviewed the evidence with the fbi.

LYNCH: they were the line teas we call it.

BISHOP: you had a team working. so did those career prosecutors appear to advise as to whether or not this was an actionable offense?

LYNCH: certainly they would have provided legal analysis. i am not able to go into specific discussions. they would have had discussions about the facts.

BISHOP: your team was part of the team at the department of justice, part of the fbi investigation?

LYNCH: the fbi is part of the department of justice also. i refer to doj team i mean the lawyers and the agents. i apologize for that confusion.

BISHOP: these are lawyers from your office that were part of this team. they were part of -- were they part of the recommendation that was provided by director comey? do they help draft that recommendation?

LYNCH: my understanding is that director comey provided information and recommendation that he provided and information that i received was from the team. it included director comey.

BISHOP: i don't want to mense words here and i don't want to be illusive in my question. i want to be as direct as possible. your team was part of this investigative process so your team was part of the recommendation that was put forward by comey, director comey.

LYNCH: the recommendation that came to me included director comey's recommendation. it was unanimous recommendation.

BISHOP: so i understand it. so this really was your recommendation that you accepted from your team?

LYNCH: a recommendation of the career agents and prosecutors who had done the work. they werex as i have indicated before from within the national security division affiliated with main just skps they are the ones who made the recommendation to me. my decision was accept their recommendation.

BISHOP: let me ask you one more thing. i know my time is fleeting here. did secretary clinton have counsel present for the interview with fbi?

LYNCH: i'm not privy to the details.

BISHOP: you don't know whether she was questioned under oath?

LYNCH: i'm not privy to details of that.

BISHOP: you indicated earlier, my colleague made mention of the fact that there were relevant statutes in a certain case going on. what are the relevant statutes involved in this secretary clinton case?

LYNCH: i believe that they have been discussed in terms of mishandling classified information.

BISHOP: can you cite those so that i understand you reviewed and understand the statutes that are being used?

GOODLATTE: time has expired. the witness will be requested to answer the question.

LYNCH: let me get you the exact citations of statutes that would have been under consideration because i don't want to misstate here. we have discussed them here generally and the discussions have been of relevant statutes. they have been discussed. let me get you the exact citations.

BISHOP: thank you, mr. chairman and i yield back.

GOODLATTE: the chair recognizes the gentleman from georgia, mr. collins for five minutes.

REPRESENTATIVE DOUG COLLINS OF GEORGIA: thank you. i want to express my concerns proev posed recommendations regarding consent decrees. rather than discussing and reviewing the antitrust division appears to have committed to reinturp rating agreements in a way that fundamentally changes the way -- you have heard this already. the concern can be broken down in a couple of ways. this goes contradictory to u.s. register of copy rights and contradictory to information given from there and the proposed to interpret to 100% licensing. the review has said this violates principle of copy right law and interferes. the way i see it american song writers are grasping for air. there are issues here because the acting head of the division of department of justice making decisions flies in the face of not only another agency but putting industry at risk there is the appearance of conflict of interest among this head with the person making the decision. you answered several times they are continuing to look at this. let me add i have had conversation with parties that have been a part of this and they have been told division has concluded it would not be in public interest to modify the decrees. that sounds like it is made up. we are going ahead and preempting the time. would you be willing to look at this considering the concerns here and do internal independent review?

LYNCH: my understanding is that the anti-trust division's review is not complete and recommendations have not been made. while they are consulting with various stakeholders and i do not know if those are individuals with whom you have spoken but those discussions are ongoing and it will be still a few more months?

COLLINS: i will reclaim my time. this is an issue that may not be on your radar. i want it on your radar because this is a decision that effects a great deal. it goes back to something very disturbing. i say this with due respect. i miss eric holder. because at least when he came here and gave us answers we didn't like it. i have spent the last four hours listening to basically the attorney general of the united states not willing to make a concrete statement of law, to not be willing to say that when given the opportunity who made the decision in this case. i understand director comey said here is the decision we recommend. you never answered that you owned this decision. do you own this decision?

LYNCH: as i have stated i made the decision and i did accept and it therefore i made the decision. that was the action that i took.

COLLINS: the meeting on the tarmac led me to do something recuse yourself but didn't recuse yourself. you said i'm going to --

LYNCH: it led me to discuss a decision i made.

COLLINS: did you have conversations before the meet sng.

LYNCH: before i had a conversation with president clinton i had not spoken with the team. i had concluded in my mind how it should be resolved because i had tremendous faith in their work and integrity.

COLLINS: did you have it resolved in what they were doing or the end outcome?

LYNCH: i had no conversations about the end outcome of the investigation.

COLLINS: do you believe there is strict liability?

LYNCH: depending on the statute.

COLLINS: we went to law school.

LYNCH: in oshra there are. i'm giving you two examples.

COLLINS: i want yes or no.

LYNCH: i'm giving you two examples.

COLLINS: the issue that we have here is no ownership at doj. no wonder the optics are so bad. you have made it worse. and as a member of the military you have offended every individual who handles classified information. i have a question for you. right down the road speed limit says 55. i'm doing 65. have i broke the law?

LYNCH: you would have to ask highway patrol. they would likely write you a ticket.

COLLINS: i went to a small law school. we taught law. harvard i'm not sure anymore. did you break the law or not? 65 in a 55. my dad was a state trooper.

LYNCH: as i said before you would get a ticket for that.

COLLINS: so you broke the law.

LYNCH: you would be cited for that. that would be considered an offense.

COLLINS: in this, when you have been asked many times you said i'm not going to talk about this. the day after you said i am going to have to accept whatever they sell me because you are not going to do investigation. you not going to put the attorney general, top law enforcement officer's stamp of approval on it. you said i am going to accept whatever they give me. did you at least read anything before you had a press conference the next day? did you at least look at the testimony from hillary clinton? did you at least look at anything?

LYNCH: i did not -- i issued statement. i did receive a briefing from the team. it was thougho. rough. my decision was to accept those findings. that was my decision.

COLLINS: the buck stops with me. please go read that.

GOODLATTE: recognize gentleman from california for five minutes.

REPRESENTATIVE SCOTT PETERS OF CALIFORNIA: i would like to thank the attorney general for being here. the last pso literally my colleagues on this side have exhausted a lot of topics about community policing, gun safety, police misconduct. a question about compensation for song writers. i don't think a single one of my colleagues has asked a question about something other than secretary clinton's e-mails. i wish she had not used a private server. i wish you had not had that meeting on the tarmac. my colleagues throughout this hearing have exhibited honest and passionate concern about the law and about the constitution here today with regard to mrs. clinton. and we are serious about the constitution here. they give us a pocket constitution in each of our drawers. and i wanted to ask a couple of questions about the constitutional issues that might be raised by some proposals of another candidate for president. mr. trump has proposed a ban on muslims entering the country until our leaders figure out what the heck is going on. putting aside the vagueness of that proposal do you see constitutional issues raised? are there barriers to such proposal raised by the constitution?

LYNCH: i will tell you that i do not have a comment on any candidates and their specific proposals. that is not my role y. have chosen not to comment on specifics that any candidate may offer. what we have said about any proposal to be in a particular group is that it would not be in the interest of law enforcement and would not advance goals of law enforcement to do so. i don't have a comment on any of the comments or proposals of candidates.

PETERS: has the justice department considered registry of muslim americans to keep track of where they move?

LYNCH: that has not been a consideration of ours

PETERS: do you think that would be useful?

LYNCH: as i have indicated the way in which we interact with muslim american community has been one where we are trying to grow cooperation and trust. they are, in fact, an ally in many investigations that we have. they have been helpful in providing information about various issues. so it has been more effective in our view to deal with individuals from any particular community as all americans.

PETERS: might that also pose a burden on free exercise of religion.

LYNCH: i would not support burdens on free exercise of religion.

PETERS: have you considered whether women might be punished for seeking an abortion?

LYNCH: again, congressman, to the extent that it relates to something that a particular candidate has raised i will not comment on that. i think that issue has been discussed considerably in the press. i think it depends upon the state laws at issue there. it is because my role is not to comment on the campaign or any candidates so i apologize for that. but i don't have a comment on that.

PETERS: and then i guess the other thing that was raised and you are the attorney general so i don't have anywhere else to ask, the idea that if we entered into a treaty or agreement with other countries a new president might rip it up. i don't suppose you have any view on the constitutional mechanism to do that by executive action alone?

LYNCH: i actually don't have knowledge of the process by which one could revoke a treaty. i'm not able to answer that question.

PETERS: it is my observation that we talk a lot about executive overreach. i think we have another in the next hearing on executive overreach. and the kinds of proposals that are coming out of the other campaign and this has been about a presidential candidate. i think any of us is underhe illusion that this is about one prosecution. it was suggested that some members of the committee were disappointed by your failure to obviate the need for election by prosecuting secretary clinton. executive overreach appears to go both ways. i want my colleagues to consider that as they spend the next week supporting the candidate whose really the king of executive overreach. i guess that is not your issue today. i hope we don't have to face that in the next term y. want to thank you for spending the time here. i appreciate your service. thank you.

GOODLATTE: chair thanks gentleman and recognize gentleman from texas for five minutes.

REPRESENTATIVE JOHN RATCLIFFE OF TEXAS: after your meeting with bill clinton you were asked about the appearance of impropriety and said no matter how i view it i understand how people view it. it has cast a shadow over how this case may be received. do you remember saying that?

LYNCH: it was a few days after in an interview.

RATCLIFFE: i know you made a decision not to recuse yourself from the investigation two days after you made the statement about cast ag shadow on integrity of department of justice "new york times" reported democrats close to mrs. clinton say she may decide to retain ms. lynch to be attorney general. did the timing of that right after the bill clinton meeting give rise to any thought in your mind of reconsidering whether or not recusal in the light of appearance of impropriety might be appropriate?

LYNCH: i have no knowledge of the source of that statement. my view was i needed to discuss the comments i had with former president.

RATCLIFFE: i don't want to impugn your integrity to ask whether prospect of continued career as attorney generalenence your decision. now that you have made that decision and closed the matter, will you consider serving as attorney general in the hillary clinton administration?

LYNCH: congressman, my focus is on serving --

RATCLIFFE: what i want to know is will you rule it out?

LYNCH: that is my focus now. it is working on issues before the department of justice that matter is not before me.

RATCLIFFE: i got to tell you, that shadow that you cast on department of justice just got a whole lot bigger because if you are not willing to rule out future employment in the hillary clinton administration what that means is the american people have every right to wonder whether or not you looked at this through a fair and impartial lens because your answer tells american people after the fbi director told you that ms. clinton had been extremely careless with at least 110 e-mails marked at top secret, secret or classified and may have jeopardized lives of americans and told you that she made numerous false public statements about sending, receiving or turning over classified materials you might want to apply for a job with her? your answer not ruling out employment with her means that as much of the free world is wondering whether or not hillary clinton should have been prosecuted and possibly sent to prison for being extremely careless as the fbi director said with hundreds of top secret, secret and classified e-mails you are telling the american people watching today that instead of going to jail faced with the prospect of possible future employment you think she should be eligible to be the person with greater access and greater control over america's most sensitive and trusted national security information than anyone else on the planet? utter shock is an under statement. let me ask you this question.

LYNCH: as i indicated --

RATCLIFFE: my time is limimited. based upon your unwillingness to rule out future employment in light of the fact that you and your husband had a 30 minute conversation with the spouse of a pending federal investigation, the subject or target of a pending federal investigation and with the person who would be the subject or target of the federal investigation if there is one into the clinton foundation would you agree that if there is such an investigation you will have to recuse yourself from that one?

LYNCH: congressman, with respect to other matters before this committee or before the department of justice, they will be reviewed like any other. i will take all appropriate action that i would need to take.

RATCLIFFE: i will take that as a no and let me move on.

LYNCH: just as i will not comment on the statements of candidates --

RATCLIFFE: i'm not going to let you run out the clock. let me move on. on july 5 one week after your meeting with bill clinton fbi director made extraordinary public recommendation not to indict. his statement was just a recommendation. you have said i made the decision. and in his statement to the press he said that what that decision would include would be considerations like the strength of evidence especially regarding intent. he said a responsible decision would consider the context of a person's actions. my question to you is as you made the decision -- the strength and evidence and context of hillary clinton's actions.

LYNCH: i will tell you that was part of what the team that was presenting to me was focussed on and it was certainly encompassing those issues as well as all other issues that are i have indicated before. it would be contained within the entire recommendation to me.

RATCLIFFE: that was reflected in your statement about late this afternoon i met with fbi director jim comey and career prosecutors. how long did that meeting last?

LYNCH: i don't recall and i wouldn't be providing that information.

RATCLIFFE: more than hours.

LYNCH: i do not recall.

RATCLIFFE: late in the afternoon. i assume one day.

LYNCH: it is clear when the meeting occurred.

RATCLIFFE: it happened the day after and apparently within a matter of hours if it happened in one day. you just told us that after a year long investigation involving 150 fbi agents working around the clock involving more than 30,000 e-mails that your thoughtful careful weighing and strength of evidence took you an afternoon cup of coffee that your decision in this case for charges relating to a person who according to the fbi director said was extremely careless handling america's most sensitive national security matters and seeking to be a candidate in charge of america's most sensitive national security matters took the better part of an afternoon. didn't take days. you determined her intent and gross negligence in a matter of hours. will you at least tell the american people whether or not you at least reviewed the 110 top secret, secret and classified e-mails that we know that she sent and received on an unsecure, unauthorized server? will you answer that?

GOODLATTE: time of the gentleman has expired.

LYNCH: as i have indicated i received a recommendation after a briefing from the team which included the career lawyers as well as the fbi director. i received a full and thorough briefing. we reviewed and discussed the matter and i accepted their recommendation. as i have indicated earlier just to be clear the reason i do not go into these internal meetings is because the teams and prosecutors and agents need to provide advice without the fear of political overtones.

RATCLIFFE: she didn't answer that question. i will ask director comey that next week. let me close and summarize by saying less than a week after you met privately with spouse of target of federal investigation you spent a grand total of a few hours reaching a decision regarding tens of thousands of documents involving our national security and you can't understand why the american people, republicans, democrats and independents are outraged. if you thought the meeting you had with bill clinton cast a shadow over the integrity of the department of justice what i have heard from you made the size of that shadow something that i will tell you that as far as casting shadows that the american people pay attention to,to to.

GOODLATTE: mr. ratcliff had a number of good questions and cut you off on some answers if you would like to go over anything he just posed.

LYNCH: thank you. i will not take a great deal of your time. the only comment i want today make clear for the record was just as with respect to questions about the presidential candidate or

candidate for any other office. i would not opine on policies or issues raised by the other. that is something that i want to make it clear that is not my function as attorney general. i'm not attempting to do that in any way here. just as i would not opine with respect to the questions raised by congressman peters i did not want to appear to be responding about mrs. clinton as a candidate. my responses here have been with respect to the matters before the department of justice and the department of justice alone. we have provided access into the thinking of the investigative team in this case. we have also -- i have provided access into the process by which the department was resolving this matter, things that we rarely do but i felt was important to do in order to make it clear to the american people that my role in this matter had been decided before i had a conversation with former president. that conversation did not have impact on it and that, in fact, as with every case the team of experienced career prosecutors and agents who reviewed this diligently, thoroughly and at great length had came up with a thorough, concise and exhaustive review and recommendation which i then accepted. and while i understand the frustration by people who disagree with that decision, as i have indicated before it is similar to the frustration of people who may have a situation where they are the victim of a crime and were not able to bring a case. we have had similar discussions with individuals in that category, as well. i understand that frustration and the desire to see action in a certain matter where feelings are strong and emotions run high. but in this case, as with every other case that the department handles we looked at the law and facts and were applied and conclusion was come to that was consistent with the law and those facts. i accepted that recommendation.

GOODLATTE: this concludes our hearing. i thank you for providing with more than 4 1/2 hours of your time. however, scores of questions were posed to you that were not answered by you. some you have offered to get back to us about in writing afterwards. we will be forwarding to you additional questions related to other matters raised as well as the investigation and nondecision to prosecute former secretary of state clinton. and we would expect that you would answer those questions. you are the chief law enforcement officer of the united states. you are the chief law enforcement officer of the united states and the final decision regarding the prosecution is yours and the fact that you not able to provide us with answers regarding how that decision was reached is very concerning to members of this committee and to the american public. i do thank you for appearing today. without objection we make a part of the record a letter from congress woman walters to you, general lynch, and your response to her first letter dated december 17, 2015 and i know you made a commitment to respond further regarding her inquiry regarding department of veterans affairs. with that, the committee -- this concludes the hearing and we thank you for your appearance today. without objection all members have five legislative days to submit additional written questions for the witness or additional materials for the record. with that, the hearing is adjourned.

Newman, Melanie (OPA)

From: Newman, Melanie (OPA)
Sent: Tuesday, July 12, 2016 5:34 PM
To: Carlisle, Elizabeth
Cc: Pokorny, Carolyn (OAG); Herwig, Paige (OAG); Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA); Franklin, Shirlethia (OAG); Amuluru, Uma (OAG); Cheung, Denise (OAG); Cadogan, James (OAG); Cox, James (OAG); Lewis, Kevin S. (OPA)
Subject: AG Press Clips from Hearing
Attachments: 07122016AGHouseHearingPressClips.docx

Attached are the first round of clips covering the hearing this afternoon.

Department of Justice
Press Clips- AG Lynch Hearing
As of July 12, 2016 at 3:25 p.m.

AP: AG Lynch Defends Decision on Clinton Email Inquiry (Eric Tucker, Erica Werner)

Reuters: U.S. Attorney General Deflects Lawmakers' Questions on Clinton Emails (Julia Harte)

New York Times: House Panel Questions Loretta Lynch on Hillary Clinton's Emails (Eric Lichtblau)

Los Angeles Times: Atty. Gen. Loretta Lynch deflects questions about Clinton emails (Jill Ornitz)

The Washington Post: Attorney General Declines to Provide Any Details on Clinton Email Investigation (Matt Zapotosky)

Wall Street Journal: Loretta Lynch Defends Hillary Clinton Email Investigation to House Lawmakers (Devlin Barrett, Kate O'Keeffe)

Bloomberg: Lynch Spurns Republican Questions on Clinton E-Mail Decision (Chris Strohm, ben Brody)

McClatchy DC: Attorney General Dismisses GOP Questions About Clinton Email Decision (Marisa Taylor)

Politico: Lynch Refuses to Answer Questions on Clinton Email Probe (Josh Gerstein)

NBC News: GOP Grills Lynch Over Clinton Email Investigation (Aliyah Frumin)

The Atlantic: Loretta Lynch Can't Escape the Clinton Emails (Priscilla Alvarez, Nora Kelly)

TPM: Gohmert: Don't Accuse Me Of Obsessing Over Clinton! Now About Those Emails… (Caitlin Macneal)

AP: AG Lynch Defends Decision on Clinton Email Inquiry (Eric Tucker, Erica Werner)
http://bigstory.ap.org/article/8d48f80b0cc042669bc6063848cb3982/lynch-face-questions-policing-clinton-investigation

Attorney General Loretta Lynch steadfastly defended her decision to close the Hillary Clinton email investigation without criminal charges, insisting Tuesday that she simply accepted the unanimous recommendation of career FBI investigators and attorneys.

"I accepted that recommendation. I saw no reason not to accept it," Lynch told the House Judiciary Committee. "The matter was handled like any other matter."

The panel's chairman, Rep. Bob Goodlatte, R-Va., strenuously criticized Lynch over her decision, charging that it "does not seem to be a responsible way to uphold your constitutionally sworn oath."

"Secretary Clinton's 'extreme carelessness' possibly jeopardized the safety and security of our citizens and nation," Goodlatte said. "Her 'extreme carelessness' suggests she cannot be trusted with the nation's most sensitive secrets."

The election-year hearing played out amid a roiling national debate over police violence, and committee Democrats repeatedly tried to turn the conversation to that issue and others as they criticized Republicans for dwelling on the Democrats' likely presidential nominee and her email practices.

Republicans were furious last week that the FBI decided not to recommend charges against Clinton over her handling of classified information when she relied on a private email server during her tenure as secretary of state.

"Rome is burning, there is blood on the streets of many American cities and we are beating this email horse to death," said Rep. Cedric Richmond, D-La.

But Republicans kept the focus on Clinton, trying to draw Lynch out on whether Clinton lied to the public or to Congress, and on a couple of occasions turning the conversation to then-president Bill Clinton's impeachment proceedings 18 years ago.

"Are you aware that Hillary Clinton has repeatedly lied to the public about her emails and email servers?" Rep. Steve King, R-Iowa, asked. "Are you aware of that?"

Republicans on Monday formally asked the Justice Department to investigate whether Clinton perjured herself in earlier testimony to a congressional committee investigating the Benghazi, Libya, attacks that killed four Americans while Clinton was secretary of state. Clinton has said she did not send or receive emails marked classified when she sent them, claims that FBI Director James Comey contradicted last week.

Comey also said Clinton was "extremely careless" in her handling of classified emails on a private server, but said there was no evidence that she or her aides intended to violate laws governing classified actions, and therefore no reasonable prosecutor could bring a case. Comey testified in detail in his own appearance before Congress last week, and Lynch repeatedly referred Republicans to the FBI director's testimony, refusing to get drawn into debating Clinton's conduct or the facts of the case.

That approach irritated committee Republicans. At one point Goodlatte interrupted the hearing to admonish Lynch for refusing to answer, accusing her of an "abdication of your responsibility."

Lynch did say, in response to questioning from Rep. Lamar Smith, R-Texas, that she had never discussed Clinton's email practices with either Hillary or Bill Clinton, and she also said she had not discussed with either of them a position in the Hillary Clinton administration. "No conversation in that nature at all," she said.

She reiterated that a brief conversation she had with Bill Clinton at the Phoenix airport last month, after he saw her airplane and asked to board to greet her, was social in nature and "there was nothing about any investigations or any specific cases." Instead the former president spoke "at length" about his grandchildren, Lynch said.

Goodlatte questioned why Lynch hadn't recused herself after that meeting. Lynch said there was no need to. But she reiterated that her concerns over how the meeting could be perceived had led her to announce she would accept the recommendation of her investigative team in the Hillary Clinton case.

That decision was intended to remove the specter of political interference, but Republicans argued it the other way Tuesday, charging that the unusual step of announcing ahead of time that she would take her team's recommendation reinforced the perception of special treatment for Clinton.

"I think your actions made it worse, I really do," said Rep. Jim Jordan, R-Ohio.

Lynch touched on law enforcement and policing issues including last week's sniper shooting of five police officers in Dallas by a suspect who said he wanted to kill white officers. That followed police killings of black men near St. Paul, Minnesota, and in Baton Rouge, Louisiana. The nation's "sense of safety has been shaken by the series of devastating events that rocked our nation last week," Lynch said.

# # #

Reuters: U.S. Attorney General Deflects Lawmakers' Questions on Clinton Emails (Julia Harte)
http://www.reuters.com/article/us-usa-election-clinton-emails-idUSKCN0ZS1VI

The top U.S. law enforcement official, under questioning from Republicans at a congressional hearing on Tuesday, shed no new light on the Justice Department's decision not to prosecute Hillary Clinton over her handling of sensitive emails.

Attorney General Loretta Lynch deflected questions about the department's inquiry into Clinton's use of a private email server while she was secretary of state, an issue that has hounded her campaign for the Democratic presidential nomination.

Republicans grilled Lynch at the House of Representatives committee hearing over Justice's decision not to charge Clinton, the presumptive Democratic nominee for the Nov. 8 election.

"Lynch has no intention of answering ... even the most basic questions about the legal elements the government is obligated to prove in a criminal prosecution," said House Judiciary Committee Chairman Bob Goodlatte, a Republican.

Democratic lawmakers at the hearing largely avoided the subject, asking Lynch about gun control and policing reforms.

Lynch referred questions about the department's decision to an FBI-led investigative team that recommended not bringing charges. She said she was "extremely proud" of the team's work, testifying one week after the FBI closed its year-long probe.

The emails case is a favorite target for presumptive Republican presidential nominee Donald Trump, as well as other Republican politicians.

Goodlatte and Republican Representative Jason Chaffetz asked the Justice Department on Monday to investigate whether Clinton committed perjury in testimony to Congress about the emails.

FBI Director James Comey told a congressional hearing last week that he recommended the department not charge Clinton. He said this was because the FBI lacked sufficient evidence that she acted with bad intent. He added that any of his employees who handled emails the way Clinton did could be subject to dismissal or loss of security clearance.

Democratic lawmakers on the committee asked Lynch about efforts to tighten gun control in the wake of shootings of clubgoers and police in Orlando and Dallas, as well as ways to reduce fatal police shootings of unarmed African Americans amid ongoing protests over the issue.

Representative Jerry Nadler asked Lynch what she thought of the pro-gun rights adage that “the only thing that can stop a bad guy with a gun is a good guy with a gun” in light of the fact that the Dallas police officers shot last week were armed.

"The issue, as usual, doesn't really lend itself well to aphorisms and short statements," Lynch replied.

# # #

New York Times: House Panel Questions Loretta Lynch on Hillary Clinton's Emails (Eric Lichtblau)
http://www.nytimes.com/2016/07/13/us/politics/loretta-lynch-testify-hillary-clinton-email.html

Under fire from Republicans for closing the investigation on Hillary Clinton's emails, Attorney General Loretta E. Lynch told lawmakers Tuesday that she was "extremely proud" of the yearlong investigation, but she frustrated her interrogators by refusing to talk about the investigation's details or conclusions.

The F.B.I. director, James B. Comey, "has chosen to provide detailed statements" on the investigation, Ms. Lynch noted tersely as she testified before the House Judiciary Committee, but she would not. Again and again, she deflected questions about crucial details that went into the decision not to bring charges in the case.

She also defended her decision not to recuse herself from the case even after her meeting on a tarmac in Phoenix with former President Bill Clinton. She deferred to the F.B.I. and experienced prosecutors, she said, and saw no need to step out of the case completely before accepting their recommendations.

Republicans were not swayed. While no charges were brought, Mr. Comey's remarkably public comments last week on Mrs. Clinton's mishandling of classified material on her email server, said Representative Bob Goodlatte of Virginia, the chairman of the House Judiciary Committee, amounted to "a public indictment of her conduct and character."

Ms. Lynch heard sharp criticism from Republican lawmakers not only about the decision to close the investigation, but also about her meeting days earlier with Mr. Clinton.

She had previously acknowledged that her unscheduled 30-minute discussion with Mr. Clinton aboard her airplane at the Phoenix airport two weeks ago was a mistake that cast a cloud over her impartiality just as the Clinton investigation was winding up.

Ms. Lynch said after the meeting that she would accept whatever recommendation the F.B.I. and her career prosecutors made in the case. Just days later, James B. Comey Jr., the F.B.I. director, said at a dramatic news briefing that he was not recommending any charges because there was no clear evidence that Mrs. Clinton had intended to violate the law, and Ms. Lynch closed the case the next day.

The decision infuriated congressional Republicans, who have used the case for months to attack Mrs. Clinton's presidential campaign. They accused the Justice Department of giving Mrs.

Clinton preferential treatment, saying that her mishandling of classified material warranted charges.

In a letter on Monday, House Republicans asked the Justice Department to mount a new investigation to determine whether Mrs. Clinton perjured herself last fall when she testified before Congress about her use of the private email system. Democrats denounced the latest tactic as another meritless attempt to drag out the email case.

# # #

Los Angeles Times: Atty. Gen. Loretta Lynch deflects questions about Clinton emails (Jill Ornitz)
http://www.latimes.com/nation/la-na-loretta-lynch-testimony-clinton-email-dallas-20160712-snap-story.html

Republican lawmakers on Tuesday pushed Atty. Gen. Loretta Lynch to defend the Justice Department's decision not to prosecute Hillary Clinton over her use of a private email server as secretary of State.

But Lynch repeatedly refused to discuss the details of the email probe, saying only that she had accepted the unanimous recommendation of career agents and prosecutors, including FBI Director James Comey. She said it would be "inappropriate to comment further" on the specific facts of the case or the decision-making process.

Lynch also faced tough questions over her decision to meet with former President Clinton last month, which she has previously admitted cast a shadow over the Justice Department's probe.

Following the uproar over the meeting with Bill Clinton, Lynch publicly announced that she would remove herself from the final decision about whether to file charges, saying she would abide by the recommendation of Comey and career prosecutors.

But GOP lawmakers Tuesday accused Lynch of failing to live up to her constitutional duty by not personally analyzing the case.

Judiciary Committee Chairman Bob Goodlatte called it an "abdication of your responsibility."

"The buck stops with you,'' Rep. Jim Sensenbrenner (R-Wis.) said.

Rep. Steve Chabot (R-Ohio) said decision against filing charges gave the appearance of a double standard in Clinton's favor because of her political power.

Lynch said all of those reviewing the case and making the recommendation were career agents and prosecutors, not political appointees.

The committee quickly divided along party lines in its questioning, with Republicans focusing on Clinton's email server and Democrats instead focusing on the Orlando, Fla., terror attack, the

need for law enforcement reform highlighted by the recent police shootings of black men and strategies for repairing relationships with minority communities.

Democrats accused Republicans of politicizing the email scandal to hurt the presumed Democratic nominee.

“We are beating this email horse to death.” said Rep. Cedric Richmond (D-La.).

Comey, testifying last week before the House Oversight and Government Reform Committee, defended the agency’s investigation into Clinton’s email server and reiterated that a criminal case against the presumptive Democratic nominee would not hold up in court.

Comey stated there was “no basis to believe” Clinton lied to the FBI during its investigation and assured committee members there was no political motivation to the timing of Comey’s announcement or the agency’s decision to recommend charges not be filed.

Lynch was scheduled to testify before the House Judiciary Committee before Comey announced his decision. Her submitted testimony made no mention of the Clinton email controversy. She instead focused on the killings of five Dallas police officers by Micah Xavier Johnson, an Army veteran apparently angry over police shootings of black men in Louisiana and Minnesota.

# # #

The Washington Post: Attorney General Declines to Provide Any Details on Clinton Email Investigation (Matt Zapotosky)
https://www.washingtonpost.com/world/national-security/attorney-general-scheduled-to-testify-before-house-judiciary-committee-on-clinton-email-investigation/2016/07/11/2dfb746c-479e-11e6-90a8-fb84201e0645_story.html

U.S. Attorney General Loretta E. Lynch repeatedly declined to answer any questions on Tuesday about her department’s investigation into Hillary Clinton’s use of a personal email server while she was secretary of state, making for a bizarre congressional hearing in which she referred questions about the matter to a man lower than her on the organizational chart.

At the outset of her testimony Tuesday before the House Judiciary Committee, Lynch said it would be “inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team’s recommendation.” That put her in contrast with FBI Director James B. Comey, who answered questions for nearly five hours last week about how he concluded Clinton should not face criminal charges.

When Republican legislators pressed for details, Lynch directed their inquiries to Comey, who sits lower on the Department of Justice’s organizational chart.

“He’s chosen to provide detailed statements, and I would refer you to those statements,” Lynch said. “I as Attorney General am not able to provide any further comment on the facts or the substance of the investigation.”

Lynch's persistence drew critical rebukes from Republicans. Chairman Bob Goodlatte (R-Va.) said not offering more information was an "abdication of your responsibility." U.S. Rep. Jim Jordan (R-Ohio) said her actions on the Clinton email investigation broadly "contribute to this belief that the system is rigged."

For their part, Democrats bemoaned that the conversation was focused on the former secretary of state's email practices, rather than issues such as gun control and policing practices.
"To some extent, we're beating a dead horse here, for political reasons," U.S. Rep. Zoe Lofgren (D-Calif.) said.

Lynch had announced last week that she was accepting the recommendation of the FBI director and federal prosecutors and closing the probe involving the presumptive Democratic presidential nominee, but the controversy is far from resolved. The hearing Tuesday marked the first time she has been questioned publicly about the decision.

Republicans have been waging an aggressive campaign to keep Clinton's email practices in the news, and the issue presents a challenge to her presidential aspirations. A recent Washington Post-ABC News poll found that a majority of Americans 56 percent disapproved of the FBI director's recommendation not to charge Clinton, and 57 percent said the issue made them at least somewhat worried about how she might handle her responsibilities as president.

When Comey publicly defended his recommendation that Clinton not face charges for mishandling classified information, he delivered a stinging public critique of her email practices and revealed facts that call into question her explanations of the matter.

He has said classified material traversed Clinton's private server, and at least three documents bore subtle classification markings. He has conceded that there was "evidence of mishandling" classified information in Clinton's setup and that an FBI employee who did the same thing "would face consequences for this." He also has said that he thought Clinton was "extremely careless" and "negligent."

A Clinton campaign spokesman has said of Comey's testimony: "While Republicans may try to keep this issue alive, this hearing proved those efforts will only backfire."

Unlike Comey, Lynch offered no new details on the investigation or explanations for the conclusion investigators drew, simply repeating the same talking points as Republicans launched different lines of attack. When Jordan asked her simply, "Who made the decision?" not to charge Clinton, Lynch offered only that she accepted the recommendation of a team of career prosecutors and agents, a point she had made previously. She said the team was led by the Justice Department's National Security Division, but would not specifically say whether no political appointees were involved.

At one point, U.S. Rep. Trent Franks said Lynch was so skilled at dodging questions that he was "going to simply capitulate" and not ask anymore.

U.S. Rep. J. Randy Forbes (R-Va.) asked if Lynch was legally prohibited in answering questions about the case in a way that Comey wasn't, and Lynch responded that she and the FBI director "had very different roles in this investigation, and therefore very different amounts of information about this investigation."

"Director Comey was speaking from his position as somebody who was more directly involved in the investigation," she said.

The hearing with Lynch, which began at 10 a.m., was scheduled before Comey made his recommendation not to charge Clinton. Goodlatte said in a statement that other issues would be discussed, including the mass shootings in Orlando and San Bernardino, Calif., as well as the effect of technological advancements on law enforcement.

But Goodlatte said the decision not to charge Clinton would be addressed because it raised "serious concerns," adding that it was "uniquely troubling" that Lynch met with former president Bill Clinton aboard her plane in Arizona before the decision had been made to close the case.

"No one is above the law, and the American people need to know that federal law enforcement is taking this misconduct seriously," Goodlatte said.

Lynch had already addressed the meeting with Bill Clinton, saying that it happened spontaneously because the two happened to be at the same airport in Phoenix at the same time.

She has asserted that no cases were discussed. Lynch has acknowledged, though, that questions about the encounter are "reasonable," and given a second chance, she would not do it again.

Soon after the airplane meeting was publicly reported, Lynch announced that she would accept the recommendation of the career prosecutors and FBI agents looking into Clinton's email use in a bid to quell concerns that politics were influencing the investigation. When Comey announced he was recommending no charges be filed, he said he was doing so without having told the attorney general beforehand.

Lynch repeated many of those same points Tuesday. She said she also had not discussed with Hillary Clinton the possibility of staying on as attorney general were the former secretary of state to be elected president.

# # #

Wall Street Journal: Loretta Lynch Defends Hillary Clinton Email Investigation to House Lawmakers (Devlin Barrett, Kate O'Keeffe)
http://www.wsj.com/articles/loretta-lynch-defends-hillary-clinton-email-investigation-to-house-lawmakers-1468337125

Attorney General Loretta Lynch on Tuesday defended the investigation into Hillary Clinton's use of a private email server, as the chairman of the House Judiciary Committee said the conclusion reached in the probe "defies logic and the law.''

Republican lawmakers repeatedly pressed her to explain in detail how she and her team decided not to file any criminal charges against Ms. Clinton or her staff, but Ms. Lynch refused to discuss specifics, saying she was "extremely proud of the tremendous work of the dedicated prosecutors and agents.''

Her posture at the hearing was in stark contrast to last week's questioning of Federal Bureau of Investigation Director James Comey, who spoke at great length about the evidence reviewed and the legal conclusions that agents and prosecutors reached.

Asked about that contrast, Ms. Lynch said she did not believe it was appropriate in her role as attorney general to discuss the facts or the legal analysis of the case.

Rep. Bob Goodlatte (R., Va.), chairman of the committee, blasted her for "dodging any responsibility to be forthright to Congress by referring members to the statements of her subordinates.''

When she served as secretary of state, Mrs. Clinton used a private email system for work, prompting a yearlong criminal probe to see if anyone had criminally mishandled classified information. Last week Mr. Comey called that conduct by Mrs. Clinton and her aides "extremely careless'' but said it did not rise to the level of criminal charges.

Ms. Lynch has been faulted by Republicans and Democrats for an impromptu private meeting aboard her plane with former President Bill Clinton at the Phoenix airport two weeks ago just days before Mrs. Clinton's FBI interview and the announcement by authorities that the criminal probe would close without charges. Mrs. Clinton is the presumptive Democratic nominee for president.

At Tuesday's hearing, Ms. Lynch repeated her past statements that she and the former president did not discuss the email case or any other matter before the Justice Department, but rather had a "social conversation.''

In response to the uproar over the meeting, Ms. Lynch said she would follow the recommendations of the career agents and prosecutors handling the case, as well as Mr. Comey.

Rep. Jim Jordan (R., Ohio) forced Ms. Lynch to admit Tuesday that the Clinton case was the first time she had ever made such an announcement about her intentions in a prosecution decision.

"I think your actions made it worse, I really do,'' said Mr. Jordan. "Your actions contributed to a belief that the system was rigged. You made a bad situation worse.''

Democrats on the committee accused Republicans of trying to keep the email controversy alive as a way to hurt Mrs. Clinton's chances in the presidential race, and said the government should focus instead on the issue of police shootings and the fatal shooting of five police officers in Dallas last week. Democrats on the panel largely asked about gun laws and police reforms, while Republicans focused on the email issue.

Rep. Cedric Richmond (D., La.) said the Republicans were ignoring recent police shootings of a man in Baton Rouge and another in St. Paul, Minn. Videos of those two confrontations have sparked protests around the country, including one in Dallas July 7, during which a gunman opened fire on officers before police were able to kill him with a robot-delivered bomb.

“Rome is burning. There’s blood on the streets of many American cities and we are beating this email horse to death,’’ said Mr. Richmond.

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Bloomberg: Lynch Spurns Republican Questions on Clinton E-Mail Decision (Chris Strohm, ben Brody)
http://www.bloomberg.com/politics/articles/2016-07-12/lynch-spurns-republican-calls-to-discuss-clinton-e-mail-decision

Attorney General Loretta Lynch rejected Republican demands to discuss her decision against prosecuting Hillary Clinton before a House panel whose chairman said the former secretary of state’s careless handling of official communications may have jeopardized U.S. national security. “She cannot be trusted with the nation’s most sensitive secrets” if elected president, Representative Bob Goodlatte of Virginia, chairman of the House Judiciary Committee, said of the presumptive Democratic presidential nominee at the opening of a hearing Tuesday. He said the Justice Department’s decision not to prosecute Clinton “defies logic and the law.”

Lynch, the sole witness, said she stood by the “unanimous recommendation” of FBI Director James Comey and “career independent investigators” and lawyers that charges shouldn’t be brought against Clinton or her aides for her use of a private e-mail server when she was secretary of state even though Comey said they had been “extremely careless in their handling of very sensitive, highly classified information.”

But Lynch also said repeatedly that “it would be inappropriate for me to comment further,” and she stuck to that position despite repeated challenges from Republicans, who grew increasingly testy as the hearing passed the two-hour mark.

‘An Abdication’

Goodlatte told Lynch it was “an abdication of your responsibility” to refuse to answer the committee’s questions.

Representative Louie Gohmert of Texas said Lynch hasn’t given any indication that she’d reviewed the facts underlying the FBI’s investigation or the bureau’s interview with Clinton. "I find it extraordinary that after a three-and-a-half hour interview so quickly a recommendation was made," Gohmert said. "Your oath was not to follow the recommendation of some team. Your oath is your own responsibility to our Constitution and those working under you."

“The buck stops with you,” Representative Jim Sensenbrenner of Wisconsin told Lynch earlier. “I’m concerned that you keep on saying that you have deferred the authority that by law is yours to director Comey.”

‘Investigated Thoroughly’

Lynch replied that her decision was “to accept the recommendation of the team of agents and investigators who worked on this.”

“All the relevant facts were considered and investigated thoroughly,” she said.
Republicans also pressed Lynch on her meeting aboard a plane with former President Bill Clinton in the days before the e-mail investigation ended, a decision Lynch has acknowledged “cast a shadow” over her role.

She told the committee Tuesday that it was a “social conversation.”

“Nothing of any relationship to the e-mail investigation was discussed,” Lynch said of the meeting on the airport tarmac in Phoenix.

Questioning Clinton

The dispute over Hillary Clinton’s e-mails also persists in a civil suit by a conservative watchdog group. Clinton’s long-time lawyer, David Kendall, told a U.S. judge Tuesday that the group, Judicial Watch, doesn’t need to question her because of the surfeit of information already publicly available, including Comey’s comments and a report in May by the State Department’s inspector general.

The record “already answers those questions or makes clear that Secretary Clinton has no personal knowledge to provide,” Kendall said in court papers. U.S. District Judge Emmet Sullivan has scheduled a July 18 hearing on the question.

In its Freedom of Information Act lawsuit, Judicial Watch wants to take a deposition from Clinton as it pursues information about top aide Huma Abedin’s work for the State Department, the Clinton Foundation and an outside consulting firm.

Perjury Question

On Monday, Goodlatte and a fellow House Republican, Oversight Committee Chairman Jason Chaffetz of Utah, asked federal prosecutors to open an investigation into whether Clinton committed perjury before Congress.

“The evidence collected by the FBI during its investigation of Secretary Clinton’s use of a personal e-mail system appears to directly contradict several aspects of her sworn testimony,” states the letter, which is addressed to Channing Phillips, the U.S. attorney for the District of Columbia.

For a QuickTake Q&A on the Clinton e-mail controversy, click here.

The lawmakers' letter doesn't specify any alleged incidents of perjury, instead referring to Comey's testimony last week before the Oversight Committee that the truthfulness of Clinton's remarks to Congress wasn't within the scope of the FBI's previous investigation.

Clinton has long maintained that she never sent or received e-mails "marked classified," a position she asserted during her almost 11 hours of testimony in October before a special House committee investigating the deadly 2012 attacks in Benghazi, Libya.

"That's not true," Comey said of the assertion when he was questioned at a hearing of Chaffetz's committee last week.

In a television interview last week, Clinton modified her standard answer on whether she had sent or received classified information on her private account, now saying she didn't "believe" she had done so.

"As I have said many times, I certainly did not believe that I received or sent any material that was classified," she told CNN.

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McClatchy DC: Attorney General Dismisses GOP Questions About Clinton Email Decision (Marisa Taylor)
http://www.mcclatchydc.com/news/nation-world/national/article89077407.html

Attorney General Loretta Lynch on Tuesday rebuffed Republicans who questioned the Justice Department's decision not to prosecute Hillary Clinton for her misuse of a private email server while she was secretary of state.

Despite facing persistent and sometimes impatient challenges from Republicans in the House of Representatives, Lynch testified that she thought it wouldn't be proper for her to discuss in detail the prosecution team's "unanimous recommendation" not to pursue charges against Clinton.

Lynch's testimony before the House Judiciary Committee came a day after House Republicans asked the Justice Department to investigate whether Clinton had lied to Congress.

"While I understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation," Lynch told members of the committee.

Bob Goodlatte, R-Va., the Judiciary Committee chairman, told Lynch he remained troubled by FBI Director James Comey's conclusions that Clinton's mishandling of classified information was "extremely careless" but did not violate the law.

"This defies logic and the law," Goodlatte said of Comey's announcement, adding that he questioned the "timing and circumstances."

Before officially closing the investigation, Lynch had come under fire for meeting with Clinton's husband, former President Bill Clinton, when their planes were at the same airport.

Lynch then announced that she still would review Hillary Clinton's case but would accept the recommendation of investigators and prosecutors at the FBI and Justice Department. She declined to recuse herself.

Lynch told the committee Tuesday that she'd agreed to speak to Bill Clinton after he said he wanted to greet her. "We had a social conversation," she said. "Nothing related to the email (inquiry) was discussed."

Democrats criticized the committee's questions as political, given that the Justice Department was struggling to react to a string of shootings, including Friday's attack in Dallas that left five police officers dead and seven wounded. It was the deadliest attack on law enforcement officers since 9/11.

"We're in the middle of an election season," Rep. John Conyers Jr., D-Mich., said of the Republicans' questions. Two bailiffs were shot to death and a deputy was wounded in a courthouse shooting Monday in Berrien County, Michigan.

Hillary Clinton, who will officially accept the Democratic Party's nomination for president later this month at the convention, has been dogged for more than a year for exclusively using personal email routed through a private server while serving as the nation's top diplomat from 2009 to 2013.

Rep. Jason Chaffetz, R-Utah, the chairman of the House Oversight and Government Reform Committee, and Goodlatte sent a rare criminal referral Monday to the Justice Department asking investigators to review Clinton's sworn testimony that she hadn't jeopardize government secrets.

Chaffetz and Goodlatte said they were asking for the inquiry as a result of Comey's testimony that he had investigated the email matter but had not looked into whether Clinton had lied to Congress.

Comey faced intense questioning from Republicans in a nearly five-hour congressional hearing last week bout his conclusion that Clinton hadn't violated the law.

Comey acknowledged, however, that several of Clinton's statements about the arrangement weren't accurate. She testified for 11 hours in a hearing last October on Capitol Hill about the 2012 fatal attacks in Benghazi, Libya, during which she said she'd turned over all her emails, she had not sent or received classified information with markings, she had used only one device and that neither she nor her aides had deleted work-related emails.

Lynch sidestepped questions Tuesday about the false-statement accusations, telling the committee it should direct its questions about Comey's conclusions to him.

Clinton's campaign has not responded to a request for comment on the criminal referral. But campaign spokesman Brian Fallon said last week that Republican actions on the email

investigation were “another taxpayer-funded sham of an inquiry to try to hurt Hillary Clinton politically.”

# # #

Politico: Lynch Refuses to Answer Questions on Clinton Email Probe (Josh Gerstein)
http://www.politico.com/story/2016/07/loretta-lynch-testimony-clinton-email-225415

Attorney General Loretta Lynch stonewalled a House committee’s questions about the probe into Hillary Clinton’s email server Tuesday, steadfastly refusing to discuss the facts and legal standards involved even though FBI Director James Comey did so at length last week.

Under pointed questioning from Republicans, Lynch insisted it would be improper for her to make public comments about the evidence gathered during the almost year-long inquiry.

“While I understand that this investigation has generated significant public interest, as Attorney General, it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team’s recommendation,” Lynch said at the outset of the House Judiciary Committee hearing. “I can tell you that I am extremely proud of the tremendous work of the dedicated prosecutors and agents on this matter.”

Lynch refused even to say how long her meeting with Comey and other members of the investigative team on the Clinton email inquiry lasted.

“I don’t recall and would not be providing that information,” the attorney general said. Lynch’s reticence on the issue clearly irritated GOP lawmakers, who were intent on using the session to explore what they said were inaccurate statements Clinton the all-but-certain Democratic presidential nominee made about her use of a private email server during her tenure as secretary of state.

Republicans also criticized Lynch for deferring to Comey rather than making an independent decision about whether criminal charges against Clinton were warranted.

“You are in charge of the Department of Justice and the buck stops with you,” said Rep. James Sensenbrenner (R-Wis.) “Why did you defer to Director Comey when the decision was yours?”

Lynch stressed that she decided to agree to what her “team” of subordinates and career officials recommended and that their recommendation not to pursue charges was unanimous.

Rep. Steve Chabot injected an unexpected and jarring topic into the hearing by raising President Bill Clinton's false testimony under oath two decades ago in the civil sexual harassment lawsuit brought by Paula Jones. Chabot appeared to be arguing that Secretary Clinton was getting away scotfree with the kind of false testimony that resulted in her husband's impeachment years ago.

"He was accused of sexually harassing a number of women. He lied under oath about it,"Chabot said. "A young intern came forward...There was physical proof. I won't go into exactly what that was. That's why articles of impeachment were voted."

Democrats denounced Chabot's comments as over the line.

"I think we've reached a low point on this committee," said Rep. Hank Johnson (D-Ga.), who criticized his colleague for digging up "salacious" and dated events.

And the attorney general repeatedly insisted that she did not benefit from a double standard.

“There’s no separate method of enforcement for anyone here,” Lynch said. “I understand the emotion that generates. I understand the frustration that it generates…..She received no treatment different from any other.”

Lynch’s appearance came one day after House Republicans sought to fuel the controversy over Clinton’s email set-up by sending a pair of letters urging further investigation. One letter asked the U.S. Attorney in Washington to consider perjury charges against Clinton. Another asked Comey to provide detailed records of the criminal probe, including details of Clinton’s three-and-a-half-hour interview with the bureau earlier this month.

“It appears Secretary Clinton testified falsely when appearing under oath before the select Committee on Benghazi,” Judiciary Committee Chairman Bob Goodlatte (R-Va.). “Secretary Clinton’s extreme carelessness possible jeopardized the safety and security of our national” secrets, he added.

Under questioning by Rep. Jim Jordan (R-Ohio), Lynch said it was her informal meeting with former President Clinton on her plane on an airport tarmac in Phoenix last month that led her to declare publicly that she had decided to defer to the FBI’s recommendation on Clinton’s case.

“I was concerned that the conversation I had with the former president might make people think there was some influence there,” Lynch said.

Jordan said Lynch’s public announcement of plans to defer to her subordinates was a mistake.

“Why announce ahead of time when you’ve never done it before…and still claim you’re the ultimate decider?...I think your action made it worse,” Jordan said.

Lynch’s unwillingness to provide her views on the facts or how the law applied to Clinton’s situation provoked considerable frustration from Republicans and, a couple hours into the session, a stern rebuke from the committee’s chairman.

“Your refusal to answer questions about a person who seeks the most important office in this land is an abdication of your responsibility,” Goodlatte said as he prodded Lynch to be more responsive.

Lynch wasn’t appreciably more forthcoming after that, prompting one GOP lawmaker to declare he was giving up.

“I’m going to simply capitulate to your prodigious dissimilation skills,” said Rep. Trent Franks (R-Ariz.). “ I’m going to suspend the remainder of my questions.”

It was unclear whether Lynch’s refusal to engage the email issue amounted to an implicit criticism of Comey for the extensive public comments he made about the Clinton email probe, both during a press statement last Tuesday and in testimony to the House Oversight and Government Reform Committee last Thursday.

At one point, the attorney general suggested she simply didn’t have the same detailed knowledge of the probe as did Comey, who said repeatedly in recent months that he was closely monitoring the inquiry.

“The director and I had very different roles in this investigation and, therefore, very different amounts of information about this investigation,” Lynch said.

At other moments, however, Lynch indicated her decision not to comment was driven by an ethical or policy concerns.

“It would not be appropriate in my role to discuss the specific facts and the law,” the attorney general said. “We typically actually do not provide the level of detail that Director Comey did.”

Some former prosecutors and Justice Department officials have criticized Comey for his detailed discussion of the FBI’s findings in a case that will not be prosecuted.

As employees of the Justice Department, both Lynch and Comey are subject to the same basic policies and regulations, including rules limiting public comment on investigations. Those regulations generally prohibit comment on evidence in a case, but there are exceptions for crimes of an “extraordinary nature.”

After an early afternoon break for a House floor vote, Lynch said she wanted to clarify that she was reluctant to discuss the information she had about the case because doing so could chill open discussion within the department.

“The information a team provides to me in this or any other case has to be given in a zone of confidentiality,” the attorney general said.

However, moments later, Lynch said disclosure of information about the investigation had been “frustrating” and she suggested it wouldn’t be fair to subjects of an investigation to characterize their behavior.

“Typically, we do not characterize the actions of individuals,” she said.

While Lynch offered no direct criticism of Clinton or her conduct, Benghazi Committee Chairman Rep. Trey Gowdy of South Carolina did manage to get the attorney general to say it’s her practice to use official email for work matters and only to use secure channels for classified communications.

“I believe it’s important to do that,” Lynch said. “It provides for a way of doing business in a secure system.”

The focus of lawmakers’ rhetoric Tuesday reflected a stark partisan divide. While Republicans bore down on Lynch over the Clinton email matter, Democrats accused their GOP colleagues of ignoring or downplaying more pressing issues such as gun violence and tensions between minority communities and police.

“Rome is burning. There is blood on the streets of many American cities and we are beating this email horse to death,” Rep. Cedric Richmond (D-La.) said.

“We’re in the middle of an election season,” the panel’s ranking Democrat Rep. John Conyers of Michigan declared, lamenting that the committee was missing “an opportunity to have engaged with you on more worthy subjects.”

“Apparently, Secretary Clinton’s email takes precedence over gun violence and civil rights,” Conyers said. “Let us be clear; the criminal investigation is closed there’re was no intentional wrongdoing….If any of my colleagues are not yet convinced, it is because they don’t want to be convinced.”

Some Republican lawmakers defended the hearing, saying it was evident to them that political influence had affected the decision not to prosecute Clinton over the presence of classified information on her private server.

“It is a very serious matter and it’s been covered up, General Lynch,” said Rep. Steve King (R-Iowa).

Another unexpected turn in the hearing came when Rep. Randy Forbes (R-Va.) faulted Lynch for prosecuting former Gov. Bob McDonnell (R-Va.) over allegations he took official actions in exchange for tens of thousands of dollars in gifts and loans for a local businessman.

“You launched everything this department had against him to destroy him and prosecute him. Can you tell me the federal nexus you had in that case and compare that to the federal nexus against Secretary Clinton in national security of this county, which you refused to bring to a grand jury or for indictment to see if, in fact, one is justified?” Forbes asked.

Lynch, who was sworn in as attorney general after McDonnell was charged and convicted, declined to comment on the comparison to the former governor. His corruption convictions were overturned by the Supreme Court last month.

Lynch was so tight lipped that one Republican lawmaker said near the end of the hearing he was longing for the unthinkable: the return of Attorney General Eric Holder, who was on the receiving end of intense ire from GOP lawmakers and was eventually held in contempt of Congress in a House floor vote.

“I miss Eric Holder. At least, when he came here he gave us answers we didn’t like…,” Rep. Doug Collins (R-Ga.) said. “The optics of this are bad and you, today, have made it worse.”

# # #

NBC News: GOP Grills Lynch Over Clinton Email Investigation (Aliyah Frumin)
http://www.nbcnews.com/news/us-news/gop-grills-lynch-over-clinton-email-investigation-n607761

Republican lawmakers grilled Attorney General Loretta Lynch on Tuesday about the Justice Department's decision not to bring charges against Hillary Clinton over her use of private email servers while secretary of state.

Democrats, meanwhile, skewered the GOP's inquisition as nothing more than campaign season posturing.

Lynch's appearance before the House Judiciary Committee was her first before Congress since the Justice Department's announcement last week that it was closing the Clinton email probe.

Lynch, who had removed herself from the case and said she would go with the recommendation of her team, repeatedly deflected questions on the decision not to prosecute Clinton, the presumptive Democratic presidential nominee. Instead, she referred to FBI Director James Comey's findings.

"While I understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation," Lynch told the committee.

She also stressed that she was extremely "proud" of the "tremendous work" of career agents and prosecutors, including Comey.

Republicans weren't buying it.

House Judiciary Chairman Bob Goodlatte, R-Virginia, said the decision was "troubling" and argued Clinton was held to a different standard. He insisted in his opening statement that Clinton's "extreme carelessness" may have hurt the safety and security of the U.S., arguing "she cannot be trusted with the nation's most sensitive secrets" if she becomes commander-in-chief.

"You're in charge of the Department of Justice. The buck stops with you," said GOP Rep. James Sensenbrenner of Wisconsin.

Meanwhile, Democrats, including ranking member Rep. John Conyers, D-Michigan, scolded Republicans for focusing on Clinton's email probe during an election season, insisting the issue has "taken precedence over gun violence and civil rights. Let us be clear the criminal investigation is closed. There was no intentional wrongdoing."

Democratic Rep. Zoe Lofgren of California later added, "We're beating a dead horse here for political reasons."

Lynch's testimony follows Comey, who defended his decision not to recommend criminal charges against the presumed Democratic presidential candidate during a contentious, almost five-hour hearing in front of the House Oversight and Government Reform Committee last week.

Republicans also continued to pepper Lynch with questions over her recent private meeting at an airport in Phoenix, Arizona with former president Bill Clinton, arguing it raised questions about the integrity of the inquiry. While Lynch has repeatedly conceded that the ill-advised meeting "cast a shadow" over the FBI-led investigation, she has maintained that the conversation was social in nature.

Lynch stressed the same on Tuesday, insisting "nothing of any relationship to the email investigation was discussed."

Lynch also discussed last week's lethal police shootings of two black men Philando Castile in Minnesota and Alton Sterling in Louisiana and the attack by a black sniper on five police officers in Dallas.

She stressed that the department would continue to provide support and resources to police and citizens "in their efforts to build strong and more united communities."

"As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build bonds of trust and cooperation between law enforcement and the communities we serve," Lynch said. "That work has never been more difficult or more important."

Lynch's tenure as attorney general began the same week Baltimore erupted in riots following the death of Freddie Gray, a black man who died from spinal injuries sustained after being transported in a police van last year. Since then, several high-profile incidents have occurred between minorities and law enforcement, including the high profile deaths of several African Americans while in police custody or during arrest an issue Lynch has promised to tackle.

# # #

The Atlantic: Loretta Lynch Can't Escape the Clinton Emails (Priscilla Alvarez, Nora Kelly)
http://www.theatlantic.com/politics/archive/2016/07/loretta-lynch-bill-clinton/490907/

Attorney General Loretta Lynch testified before the House Judiciary Committee on Tuesday in a hearing that vacillated between lawmakers expressing concern over the investigation of Hillary Clinton’s email practices and their concerns about recent shootings.

House Judiciary Committee Chairman Bob Goodlatte kicked off the hearing with a moment of silence for the law-enforcement victims of last week’s killings in Dallas and the shooting deaths of Alton Sterling in Louisiana and Philando Castile in Minnesota, both by police. Lynch followed with an acknowledgment of her own.

"Our hearts are literally broken for the families and loved ones of those we lost in these tragic events," Lynch said in her opening statement. "As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build the bonds of trust and cooperation between law enforcement and the communities that we serve. That has never been more difficult nor more important." She added the department "will continue to give local departments the tools they need and training they require to come home safely, from funds for bulletproof vests to training in officer health, safety, and wellness."

The Clinton email probe dominated much of the session, with House Republicans grilling Lynch about her relationship with the Clintons and pressing her on the FBI's determination in the case. Last week, FBI Director James Comey announced he would not recommend charges against Clinton following his agency's investigation, but noted that her email use was "extremely careless." In short order, House Republicans called on Comey to appear at a congressional hearing on the investigation. This morning, Lynch, whose Justice Department closed the Clinton probe last week, was in a similar position.

She indicated in her opening statement she wouldn't be particularly open to discussing the matter. "It would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation." But Republicans ignored her intention. Virginia Representative Randy Forbes asked Lynch whether she was legally prohibited from answering lawmakers' questions. She said that it "would not be appropriate in my role" to comment on some matters, and noted that Comey's comments on the case weren't typical. Goodlatte earlier asked Lynch if she agreed with the FBI's conclusion. "I accepted that recommendation," she said. "I saw no reason not to accept it. I reiterate my pride and faith in their work." She confirmed that she hadn't spoken with either of the Clintons about the FBI's investigation, including during a conversation she had just days before Comey's announcement with former President Bill Clinton. Goodlatte called that encounter "troubling" in his remarks at the top of the meeting.

Democrats seemed to have one goal throughout the meeting to stop talking about Clinton's emails. Ranking Member John Conyers tried to focus lawmakers on criminal-justice reform. "I believe it's more critical than ever that we reach a final agreement on police accountability and standards," he said. Conyers noted the few working days left for Congress until it adjourns for the summer recess: "How will my colleagues on the other side of the aisle choose to fill that time? Today, apparently, Secretary Hillary Clinton's e-mail takes precedence over gun violence and civil rights."

# # #

TPM: Gohmert: Don't Accuse Me Of Obsessing Over Clinton! Now About Those Emails… (Caitlin Macneal)
http://talkingpointsmemo.com/livewire/louie-gohmert-clinton-emails-dallas-shooting

Rep. Louie Gohmert (R-TX) was outraged.

A Democratic congressman had just accused Republicans in a House Judiciary Committee hearing with Attorney General Loretta Lynch of caring more about Hillary Clinton's email use than the recent fatal shootings of Dallas police officers.

But Gohmert wasn't quite upset enough to question Lynch about anything other than the investigation into Clinton's email server.

Rep. Luis Gutierrez (D-IL) began his questions for Lynch by noting that Republicans spent more time in the hearing asking the attorney general about Clinton's emails than about shootings across the country, including the one that killed five police officers in Dallas last week. He said that to Republicans, the safety of Americans isn't important.

"What's important? Let's go talk about the emails once again," Gutierrez said, referring to Republicans.

He criticized Republican members for using the hearing to bring up the impeachment trial of former President Bill Clinton and the Supreme Court's decision to throw out the conviction of former Virginia Gov. Bob McDonnell (R).

Gohmert was next in line to question Lynch, and began by offering a rebuttal to Gutierrez. He said it was "an outrage" to accuse Republicans of not caring about the death of five police officers in Dallas.

The Republican congressman then proceeded to pepper Lynch with questions about the probe into Clinton's email use, and did not ask about any other topic.

# # #

Department of Justice
Press Clips- AG Lynch Hearing
As of July 12, 2016 at 3:25 p.m.

AP: AG Lynch Defends Decision on Clinton Email Inquiry (Eric Tucker, Erica Werner)

Reuters: U.S. Attorney General Deflects Lawmakers' Questions on Clinton Emails (Julia Harte)

New York Times: House Panel Questions Loretta Lynch on Hillary Clinton's Emails (Eric Lichtblau)

Los Angeles Times: Atty. Gen. Loretta Lynch deflects questions about Clinton emails (Jill Ornitz)

The Washington Post: Attorney General Declines to Provide Any Details on Clinton Email Investigation (Matt Zapotosky)

Wall Street Journal: Loretta Lynch Defends Hillary Clinton Email Investigation to House Lawmakers (Devlin Barrett, Kate O'Keeffe)

Bloomberg: Lynch Spurns Republican Questions on Clinton E-Mail Decision (Chris Strohm, ben Brody)

McClatchy DC: Attorney General Dismisses GOP Questions About Clinton Email Decision (Marisa Taylor)

Politico: Lynch Refuses to Answer Questions on Clinton Email Probe (Josh Gerstein)

NBC News: GOP Grills Lynch Over Clinton Email Investigation (Aliyah Frumin)

The Atlantic: Loretta Lynch Can't Escape the Clinton Emails (Priscilla Alvarez, Nora Kelly)

TPM: Gohmert: Don't Accuse Me Of Obsessing Over Clinton! Now About Those Emails… (Caitlin Macneal)

AP: AG Lynch Defends Decision on Clinton Email Inquiry (Eric Tucker, Erica Werner)
http://bigstory.ap.org/article/8d48f80b0cc042669bc6063848cb3982/lynch-face-questions-policing-clinton-investigation

Attorney General Loretta Lynch steadfastly defended her decision to close the Hillary Clinton email investigation without criminal charges, insisting Tuesday that she simply accepted the unanimous recommendation of career FBI investigators and attorneys.

"I accepted that recommendation. I saw no reason not to accept it," Lynch told the House Judiciary Committee. "The matter was handled like any other matter."

The panel's chairman, Rep. Bob Goodlatte, R-Va., strenuously criticized Lynch over her decision, charging that it "does not seem to be a responsible way to uphold your constitutionally sworn oath."

"Secretary Clinton's 'extreme carelessness' possibly jeopardized the safety and security of our citizens and nation," Goodlatte said. "Her 'extreme carelessness' suggests she cannot be trusted with the nation's most sensitive secrets."

The election-year hearing played out amid a roiling national debate over police violence, and committee Democrats repeatedly tried to turn the conversation to that issue and others as they criticized Republicans for dwelling on the Democrats' likely presidential nominee and her email practices.

Republicans were furious last week that the FBI decided not to recommend charges against Clinton over her handling of classified information when she relied on a private email server during her tenure as secretary of state.

"Rome is burning, there is blood on the streets of many American cities and we are beating this email horse to death," said Rep. Cedric Richmond, D-La.

But Republicans kept the focus on Clinton, trying to draw Lynch out on whether Clinton lied to the public or to Congress, and on a couple of occasions turning the conversation to then-president Bill Clinton's impeachment proceedings 18 years ago.

"Are you aware that Hillary Clinton has repeatedly lied to the public about her emails and email servers?" Rep. Steve King, R-Iowa, asked. "Are you aware of that?"

Republicans on Monday formally asked the Justice Department to investigate whether Clinton perjured herself in earlier testimony to a congressional committee investigating the Benghazi, Libya, attacks that killed four Americans while Clinton was secretary of state. Clinton has said she did not send or receive emails marked classified when she sent them, claims that FBI Director James Comey contradicted last week.

Comey also said Clinton was "extremely careless" in her handling of classified emails on a private server, but said there was no evidence that she or her aides intended to violate laws governing classified actions, and therefore no reasonable prosecutor could bring a case. Comey testified in detail in his own appearance before Congress last week, and Lynch repeatedly referred Republicans to the FBI director's testimony, refusing to get drawn into debating Clinton's conduct or the facts of the case.

That approach irritated committee Republicans. At one point Goodlatte interrupted the hearing to admonish Lynch for refusing to answer, accusing her of an "abdication of your responsibility."

Lynch did say, in response to questioning from Rep. Lamar Smith, R-Texas, that she had never discussed Clinton's email practices with either Hillary or Bill Clinton, and she also said she had not discussed with either of them a position in the Hillary Clinton administration. "No conversation in that nature at all," she said.

She reiterated that a brief conversation she had with Bill Clinton at the Phoenix airport last month, after he saw her airplane and asked to board to greet her, was social in nature and "there was nothing about any investigations or any specific cases." Instead the former president spoke "at length" about his grandchildren, Lynch said.

Goodlatte questioned why Lynch hadn't recused herself after that meeting. Lynch said there was no need to. But she reiterated that her concerns over how the meeting could be perceived had led her to announce she would accept the recommendation of her investigative team in the Hillary Clinton case.

That decision was intended to remove the specter of political interference, but Republicans argued it the other way Tuesday, charging that the unusual step of announcing ahead of time that she would take her team's recommendation reinforced the perception of special treatment for Clinton.

"I think your actions made it worse, I really do," said Rep. Jim Jordan, R-Ohio.

Lynch touched on law enforcement and policing issues including last week's sniper shooting of five police officers in Dallas by a suspect who said he wanted to kill white officers. That followed police killings of black men near St. Paul, Minnesota, and in Baton Rouge, Louisiana. The nation's "sense of safety has been shaken by the series of devastating events that rocked our nation last week," Lynch said.

# # #

Reuters: U.S. Attorney General Deflects Lawmakers' Questions on Clinton Emails (Julia Harte)
http://www.reuters.com/article/us-usa-election-clinton-emails-idUSKCN0ZS1VI

The top U.S. law enforcement official, under questioning from Republicans at a congressional hearing on Tuesday, shed no new light on the Justice Department's decision not to prosecute Hillary Clinton over her handling of sensitive emails.

Attorney General Loretta Lynch deflected questions about the department's inquiry into Clinton's use of a private email server while she was secretary of state, an issue that has hounded her campaign for the Democratic presidential nomination.

Republicans grilled Lynch at the House of Representatives committee hearing over Justice's decision not to charge Clinton, the presumptive Democratic nominee for the Nov. 8 election.

"Lynch has no intention of answering ... even the most basic questions about the legal elements the government is obligated to prove in a criminal prosecution," said House Judiciary Committee Chairman Bob Goodlatte, a Republican.

Democratic lawmakers at the hearing largely avoided the subject, asking Lynch about gun control and policing reforms.

Lynch referred questions about the department's decision to an FBI-led investigative team that recommended not bringing charges. She said she was "extremely proud" of the team's work, testifying one week after the FBI closed its year-long probe.

The emails case is a favorite target for presumptive Republican presidential nominee Donald Trump, as well as other Republican politicians.

Goodlatte and Republican Representative Jason Chaffetz asked the Justice Department on Monday to investigate whether Clinton committed perjury in testimony to Congress about the emails.

FBI Director James Comey told a congressional hearing last week that he recommended the department not charge Clinton. He said this was because the FBI lacked sufficient evidence that she acted with bad intent. He added that any of his employees who handled emails the way Clinton did could be subject to dismissal or loss of security clearance.

Democratic lawmakers on the committee asked Lynch about efforts to tighten gun control in the wake of shootings of clubgoers and police in Orlando and Dallas, as well as ways to reduce fatal police shootings of unarmed African Americans amid ongoing protests over the issue.

Representative Jerry Nadler asked Lynch what she thought of the pro-gun rights adage that “the only thing that can stop a bad guy with a gun is a good guy with a gun” in light of the fact that the Dallas police officers shot last week were armed.

“The issue, as usual, doesn’t really lend itself well to aphorisms and short statements,” Lynch replied.

# # #

New York Times: House Panel Questions Loretta Lynch on Hillary Clinton’s Emails (Eric Lichtblau)
http://www.nytimes.com/2016/07/13/us/politics/loretta-lynch-testify-hillary-clinton-email.html

Under fire from Republicans for closing the investigation on Hillary Clinton’s emails, Attorney General Loretta E. Lynch told lawmakers Tuesday that she was “extremely proud” of the yearlong investigation, but she frustrated her interrogators by refusing to talk about the investigation’s details or conclusions.

The F.B.I. director, James B. Comey, "has chosen to provide detailed statements" on the investigation, Ms. Lynch noted tersely as she testified before the House Judiciary Committee, but she would not. Again and again, she deflected questions about crucial details that went into the decision not to bring charges in the case.

She also defended her decision not to recuse herself from the case even after her meeting on a tarmac in Phoenix with former President Bill Clinton. She deferred to the F.B.I. and experienced prosecutors, she said, and saw no need to step out of the case completely before accepting their recommendations.

Republicans were not swayed. While no charges were brought, Mr. Comey's remarkably public comments last week on Mrs. Clinton's mishandling of classified material on her email server, said Representative Bob Goodlatte of Virginia, the chairman of the House Judiciary Committee, amounted to "a public indictment of her conduct and character."

Ms. Lynch heard sharp criticism from Republican lawmakers not only about the decision to close the investigation, but also about her meeting days earlier with Mr. Clinton.

She had previously acknowledged that her unscheduled 30-minute discussion with Mr. Clinton aboard her airplane at the Phoenix airport two weeks ago was a mistake that cast a cloud over her impartiality just as the Clinton investigation was winding up.

Ms. Lynch said after the meeting that she would accept whatever recommendation the F.B.I. and her career prosecutors made in the case. Just days later, James B. Comey Jr., the F.B.I. director, said at a dramatic news briefing that he was not recommending any charges because there was no clear evidence that Mrs. Clinton had intended to violate the law, and Ms. Lynch closed the case the next day.

The decision infuriated congressional Republicans, who have used the case for months to attack Mrs. Clinton's presidential campaign. They accused the Justice Department of giving Mrs. Clinton preferential treatment, saying that her mishandling of classified material warranted charges.

In a letter on Monday, House Republicans asked the Justice Department to mount a new investigation to determine whether Mrs. Clinton perjured herself last fall when she testified before Congress about her use of the private email system. Democrats denounced the latest tactic as another meritless attempt to drag out the email case.

# # #

Los Angeles Times: Atty. Gen. Loretta Lynch deflects questions about Clinton emails (Jill Ornitz)
http://www.latimes.com/nation/la-na-loretta-lynch-testimony-clinton-email-dallas-20160712-snap-story.html

Republican lawmakers on Tuesday pushed Atty. Gen. Loretta Lynch to defend the Justice Department's decision not to prosecute Hillary Clinton over her use of a private email server as secretary of State.

But Lynch repeatedly refused to discuss the details of the email probe, saying only that she had accepted the unanimous recommendation of career agents and prosecutors, including FBI Director James Comey. She said it would be "inappropriate to comment further" on the specific facts of the case or the decision-making process.

Lynch also faced tough questions over her decision to meet with former President Clinton last month, which she has previously admitted cast a shadow over the Justice Department's probe.

Following the uproar over the meeting with Bill Clinton, Lynch publicly announced that she would remove herself from the final decision about whether to file charges, saying she would abide by the recommendation of Comey and career prosecutors.

But GOP lawmakers Tuesday accused Lynch of failing to live up to her constitutional duty by not personally analyzing the case.

Judiciary Committee Chairman Bob Goodlatte called it an "abdication of your responsibility."

"The buck stops with you,'' Rep. Jim Sensenbrenner (R-Wis.) said.

Rep. Steve Chabot (R-Ohio) said decision against filing charges gave the appearance of a double standard in Clinton's favor because of her political power.

Lynch said all of those reviewing the case and making the recommendation were career agents and prosecutors, not political appointees.

The committee quickly divided along party lines in its questioning, with Republicans focusing on Clinton's email server and Democrats instead focusing on the Orlando, Fla., terror attack, the need for law enforcement reform highlighted by the recent police shootings of black men and strategies for repairing relationships with minority communities.

Democrats accused Republicans of politicizing the email scandal to hurt the presumed Democratic nominee.

"We are beating this email horse to death." said Rep. Cedric Richmond (D-La.).

Comey, testifying last week before the House Oversight and Government Reform Committee, defended the agency's investigation into Clinton's email server and reiterated that a criminal case against the presumptive Democratic nominee would not hold up in court.

Comey stated there was "no basis to believe" Clinton lied to the FBI during its investigation and assured committee members there was no political motivation to the timing of Comey's announcement or the agency's decision to recommend charges not be filed.

Lynch was scheduled to testify before the House Judiciary Committee before Comey announced his decision. Her submitted testimony made no mention of the Clinton email controversy. She instead focused on the killings of five Dallas police officers by Micah Xavier Johnson, an Army veteran apparently angry over police shootings of black men in Louisiana and Minnesota.

# # #

The Washington Post: Attorney General Declines to Provide Any Details on Clinton Email Investigation (Matt Zapotosky)
https://www.washingtonpost.com/world/national-security/attorney-general-scheduled-to-testify-before-house-judiciary-committee-on-clinton-email-investigation/2016/07/11/2dfb746c-479e-11e6-90a8-fb84201e0645_story.html

U.S. Attorney General Loretta E. Lynch repeatedly declined to answer any questions on Tuesday about her department's investigation into Hillary Clinton's use of a personal email server while she was secretary of state, making for a bizarre congressional hearing in which she referred questions about the matter to a man lower than her on the organizational chart.

At the outset of her testimony Tuesday before the House Judiciary Committee, Lynch said it would be "inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation." That put her in contrast with FBI Director James B. Comey, who answered questions for nearly five hours last week about how he concluded Clinton should not face criminal charges.

When Republican legislators pressed for details, Lynch directed their inquiries to Comey, who sits lower on the Department of Justice's organizational chart.

"He's chosen to provide detailed statements, and I would refer you to those statements," Lynch said. "I as Attorney General am not able to provide any further comment on the facts or the substance of the investigation."

Lynch's persistence drew critical rebukes from Republicans. Chairman Bob Goodlatte (R-Va.) said not offering more information was an "abdication of your responsibility." U.S. Rep. Jim Jordan (R-Ohio) said her actions on the Clinton email investigation broadly "contribute to this belief that the system is rigged."

For their part, Democrats bemoaned that the conversation was focused on the former secretary of state's email practices, rather than issues such as gun control and policing practices.
"To some extent, we're beating a dead horse here, for political reasons," U.S. Rep. Zoe Lofgren (D-Calif.) said.

Lynch had announced last week that she was accepting the recommendation of the FBI director and federal prosecutors and closing the probe involving the presumptive Democratic presidential nominee, but the controversy is far from resolved. The hearing Tuesday marked the first time she has been questioned publicly about the decision.

Republicans have been waging an aggressive campaign to keep Clinton's email practices in the news, and the issue presents a challenge to her presidential aspirations. A recent Washington Post-ABC News poll found that a majority of Americans 56 percent disapproved of the FBI director's recommendation not to charge Clinton, and 57 percent said the issue made them at least somewhat worried about how she might handle her responsibilities as president.

When Comey publicly defended his recommendation that Clinton not face charges for mishandling classified information, he delivered a stinging public critique of her email practices and revealed facts that call into question her explanations of the matter.

He has said classified material traversed Clinton's private server, and at least three documents bore subtle classification markings. He has conceded that there was "evidence of mishandling" classified information in Clinton's setup and that an FBI employee who did the same thing "would face consequences for this." He also has said that he thought Clinton was "extremely careless" and "negligent."

A Clinton campaign spokesman has said of Comey's testimony: "While Republicans may try to keep this issue alive, this hearing proved those efforts will only backfire."

Unlike Comey, Lynch offered no new details on the investigation or explanations for the conclusion investigators drew, simply repeating the same talking points as Republicans launched different lines of attack. When Jordan asked her simply, "Who made the decision?" not to charge Clinton, Lynch offered only that she accepted the recommendation of a team of career prosecutors and agents, a point she had made previously. She said the team was led by the Justice Department's National Security Division, but would not specifically say whether no political appointees were involved.

At one point, U.S. Rep. Trent Franks said Lynch was so skilled at dodging questions that he was "going to simply capitulate" and not ask anymore.

U.S. Rep. J. Randy Forbes (R-Va.) asked if Lynch was legally prohibited in answering questions about the case in a way that Comey wasn't, and Lynch responded that she and the FBI director "had very different roles in this investigation, and therefore very different amounts of information about this investigation."

"Director Comey was speaking from his position as somebody who was more directly involved in the investigation," she said.

The hearing with Lynch, which began at 10 a.m., was scheduled before Comey made his recommendation not to charge Clinton. Goodlatte said in a statement that other issues would be discussed, including the mass shootings in Orlando and San Bernardino, Calif., as well as the effect of technological advancements on law enforcement.

But Goodlatte said the decision not to charge Clinton would be addressed because it raised "serious concerns," adding that it was "uniquely troubling" that Lynch met with former president Bill Clinton aboard her plane in Arizona before the decision had been made to close the case.

"No one is above the law, and the American people need to know that federal law enforcement is taking this misconduct seriously," Goodlatte said.

Lynch had already addressed the meeting with Bill Clinton, saying that it happened spontaneously because the two happened to be at the same airport in Phoenix at the same time.

She has asserted that no cases were discussed. Lynch has acknowledged, though, that questions about the encounter are "reasonable," and given a second chance, she would not do it again.

Soon after the airplane meeting was publicly reported, Lynch announced that she would accept the recommendation of the career prosecutors and FBI agents looking into Clinton's email use in a bid to quell concerns that politics were influencing the investigation. When Comey announced he was recommending no charges be filed, he said he was doing so without having told the attorney general beforehand.

Lynch repeated many of those same points Tuesday. She said she also had not discussed with Hillary Clinton the possibility of staying on as attorney general were the former secretary of state to be elected president.

# # #

Wall Street Journal: Loretta Lynch Defends Hillary Clinton Email Investigation to House Lawmakers (Devlin Barrett, Kate O'Keeffe)
http://www.wsj.com/articles/loretta-lynch-defends-hillary-clinton-email-investigation-to-house-lawmakers-1468337125

Attorney General Loretta Lynch on Tuesday defended the investigation into Hillary Clinton's use of a private email server, as the chairman of the House Judiciary Committee said the conclusion reached in the probe "defies logic and the law.''

Republican lawmakers repeatedly pressed her to explain in detail how she and her team decided not to file any criminal charges against Ms. Clinton or her staff, but Ms. Lynch refused to discuss specifics, saying she was "extremely proud of the tremendous work of the dedicated prosecutors and agents.''

Her posture at the hearing was in stark contrast to last week's questioning of Federal Bureau of Investigation Director James Comey, who spoke at great length about the evidence reviewed and the legal conclusions that agents and prosecutors reached.

Asked about that contrast, Ms. Lynch said she did not believe it was appropriate in her role as attorney general to discuss the facts or the legal analysis of the case.

Rep. Bob Goodlatte (R., Va.), chairman of the committee, blasted her for "dodging any responsibility to be forthright to Congress by referring members to the statements of her subordinates.''

When she served as secretary of state, Mrs. Clinton used a private email system for work, prompting a yearlong criminal probe to see if anyone had criminally mishandled classified information. Last week Mr. Comey called that conduct by Mrs. Clinton and her aides "extremely careless'' but said it did not rise to the level of criminal charges.

Ms. Lynch has been faulted by Republicans and Democrats for an impromptu private meeting aboard her plane with former President Bill Clinton at the Phoenix airport two weeks ago just days before Mrs. Clinton's FBI interview and the announcement by authorities that the criminal probe would close without charges. Mrs. Clinton is the presumptive Democratic nominee for president.

At Tuesday's hearing, Ms. Lynch repeated her past statements that she and the former president did not discuss the email case or any other matter before the Justice Department, but rather had a "social conversation.''

In response to the uproar over the meeting, Ms. Lynch said she would follow the recommendations of the career agents and prosecutors handling the case, as well as Mr. Comey.

Rep. Jim Jordan (R., Ohio) forced Ms. Lynch to admit Tuesday that the Clinton case was the first time she had ever made such an announcement about her intentions in a prosecution decision.

"I think your actions made it worse, I really do,'' said Mr. Jordan. "Your actions contributed to a belief that the system was rigged. You made a bad situation worse.''

Democrats on the committee accused Republicans of trying to keep the email controversy alive as a way to hurt Mrs. Clinton's chances in the presidential race, and said the government should focus instead on the issue of police shootings and the fatal shooting of five police officers in Dallas last week. Democrats on the panel largely asked about gun laws and police reforms, while Republicans focused on the email issue.

Rep. Cedric Richmond (D., La.) said the Republicans were ignoring recent police shootings of a man in Baton Rouge and another in St. Paul, Minn. Videos of those two confrontations have sparked protests around the country, including one in Dallas July 7, during which a gunman opened fire on officers before police were able to kill him with a robot-delivered bomb.

"Rome is burning. There's blood on the streets of many American cities and we are beating this email horse to death,'' said Mr. Richmond.

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Bloomberg: Lynch Spurns Republican Questions on Clinton E-Mail Decision (Chris Strohm, ben Brody)
http://www.bloomberg.com/politics/articles/2016-07-12/lynch-spurns-republican-calls-to-discuss-clinton-e-mail-decision

Attorney General Loretta Lynch rejected Republican demands to discuss her decision against prosecuting Hillary Clinton before a House panel whose chairman said the former secretary of state's careless handling of official communications may have jeopardized U.S. national security. "She cannot be trusted with the nation's most sensitive secrets" if elected president, Representative Bob Goodlatte of Virginia, chairman of the House Judiciary Committee, said of the presumptive Democratic presidential nominee at the opening of a hearing Tuesday. He said the Justice Department's decision not to prosecute Clinton "defies logic and the law."

Lynch, the sole witness, said she stood by the "unanimous recommendation" of FBI Director James Comey and "career independent investigators" and lawyers that charges shouldn't be brought against Clinton or her aides for her use of a private e-mail server when she was secretary of state even though Comey said they had been "extremely careless in their handling of very sensitive, highly classified information."

But Lynch also said repeatedly that "it would be inappropriate for me to comment further," and she stuck to that position despite repeated challenges from Republicans, who grew increasingly testy as the hearing passed the two-hour mark.

'An Abdication'

Goodlatte told Lynch it was "an abdication of your responsibility" to refuse to answer the committee's questions.

Representative Louie Gohmert of Texas said Lynch hasn't given any indication that she'd reviewed the facts underlying the FBI's investigation or the bureau's interview with Clinton. "I find it extraordinary that after a three-and-a-half hour interview so quickly a recommendation was made," Gohmert said. "Your oath was not to follow the recommendation of some team. Your oath is your own responsibility to our Constitution and those working under you."

"The buck stops with you," Representative Jim Sensenbrenner of Wisconsin told Lynch earlier. "I'm concerned that you keep on saying that you have deferred the authority that by law is yours to director Comey."

'Investigated Thoroughly'

Lynch replied that her decision was "to accept the recommendation of the team of agents and investigators who worked on this."

"All the relevant facts were considered and investigated thoroughly," she said. Republicans also pressed Lynch on her meeting aboard a plane with former President Bill Clinton in the days before the e-mail investigation ended, a decision Lynch has acknowledged "cast a shadow" over her role.

She told the committee Tuesday that it was a "social conversation."

"Nothing of any relationship to the e-mail investigation was discussed," Lynch said of the meeting on the airport tarmac in Phoenix.

Questioning Clinton

The dispute over Hillary Clinton's e-mails also persists in a civil suit by a conservative watchdog group. Clinton's long-time lawyer, David Kendall, told a U.S. judge Tuesday that the group, Judicial Watch, doesn't need to question her because of the surfeit of information already publicly available, including Comey's comments and a report in May by the State Department's inspector general.

The record "already answers those questions or makes clear that Secretary Clinton has no personal knowledge to provide," Kendall said in court papers. U.S. District Judge Emmet Sullivan has scheduled a July 18 hearing on the question.

In its Freedom of Information Act lawsuit, Judicial Watch wants to take a deposition from Clinton as it pursues information about top aide Huma Abedin's work for the State Department, the Clinton Foundation and an outside consulting firm.

Perjury Question

On Monday, Goodlatte and a fellow House Republican, Oversight Committee Chairman Jason Chaffetz of Utah, asked federal prosecutors to open an investigation into whether Clinton committed perjury before Congress.

"The evidence collected by the FBI during its investigation of Secretary Clinton's use of a personal e-mail system appears to directly contradict several aspects of her sworn testimony," states the letter, which is addressed to Channing Phillips, the U.S. attorney for the District of Columbia.

For a QuickTake Q&A on the Clinton e-mail controversy, click here.

The lawmakers' letter doesn't specify any alleged incidents of perjury, instead referring to Comey's testimony last week before the Oversight Committee that the truthfulness of Clinton's remarks to Congress wasn't within the scope of the FBI's previous investigation.

Clinton has long maintained that she never sent or received e-mails "marked classified," a position she asserted during her almost 11 hours of testimony in October before a special House committee investigating the deadly 2012 attacks in Benghazi, Libya.

"That's not true," Comey said of the assertion when he was questioned at a hearing of Chaffetz's committee last week.

In a television interview last week, Clinton modified her standard answer on whether she had sent or received classified information on her private account, now saying she didn't "believe" she had done so.

"As I have said many times, I certainly did not believe that I received or sent any material that was classified," she told CNN.

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McClatchy DC: Attorney General Dismisses GOP Questions About Clinton Email Decision (Marisa Taylor)
http://www.mcclatchydc.com/news/nation-world/national/article89077407.html

Attorney General Loretta Lynch on Tuesday rebuffed Republicans who questioned the Justice Department's decision not to prosecute Hillary Clinton for her misuse of a private email server while she was secretary of state.

Despite facing persistent and sometimes impatient challenges from Republicans in the House of Representatives, Lynch testified that she thought it wouldn't be proper for her to discuss in detail the prosecution team's "unanimous recommendation" not to pursue charges against Clinton.

Lynch's testimony before the House Judiciary Committee came a day after House Republicans asked the Justice Department to investigate whether Clinton had lied to Congress.

"While I understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation," Lynch told members of the committee.

Bob Goodlatte, R-Va., the Judiciary Committee chairman, told Lynch he remained troubled by FBI Director James Comey's conclusions that Clinton's mishandling of classified information was "extremely careless" but did not violate the law.

"This defies logic and the law," Goodlatte said of Comey's announcement, adding that he questioned the "timing and circumstances."

Before officially closing the investigation, Lynch had come under fire for meeting with Clinton's husband, former President Bill Clinton, when their planes were at the same airport.

Lynch then announced that she still would review Hillary Clinton's case but would accept the recommendation of investigators and prosecutors at the FBI and Justice Department. She declined to recuse herself.

Lynch told the committee Tuesday that she'd agreed to speak to Bill Clinton after he said he wanted to greet her. "We had a social conversation," she said. "Nothing related to the email (inquiry) was discussed."

Democrats criticized the committee's questions as political, given that the Justice Department was struggling to react to a string of shootings, including Friday's attack in Dallas that left five police officers dead and seven wounded. It was the deadliest attack on law enforcement officers since 9/11.

"We're in the middle of an election season," Rep. John Conyers Jr., D-Mich., said of the Republicans' questions. Two bailiffs were shot to death and a deputy was wounded in a courthouse shooting Monday in Berrien County, Michigan.

Hillary Clinton, who will officially accept the Democratic Party's nomination for president later this month at the convention, has been dogged for more than a year for exclusively using personal email routed through a private server while serving as the nation's top diplomat from 2009 to 2013.

Rep. Jason Chaffetz, R-Utah, the chairman of the House Oversight and Government Reform Committee, and Goodlatte sent a rare criminal referral Monday to the Justice Department asking investigators to review Clinton's sworn testimony that she hadn't jeopardize government secrets.

Chaffetz and Goodlatte said they were asking for the inquiry as a result of Comey's testimony that he had investigated the email matter but had not looked into whether Clinton had lied to Congress.

Comey faced intense questioning from Republicans in a nearly five-hour congressional hearing last week bout his conclusion that Clinton hadn't violated the law.

Comey acknowledged, however, that several of Clinton's statements about the arrangement weren't accurate. She testified for 11 hours in a hearing last October on Capitol Hill about the 2012 fatal attacks in Benghazi, Libya, during which she said she'd turned over all her emails, she had not sent or received classified information with markings, she had used only one device and that neither she nor her aides had deleted work-related emails.

Lynch sidestepped questions Tuesday about the false-statement accusations, telling the committee it should direct its questions about Comey's conclusions to him.

Clinton's campaign has not responded to a request for comment on the criminal referral. But campaign spokesman Brian Fallon said last week that Republican actions on the email investigation were "another taxpayer-funded sham of an inquiry to try to hurt Hillary Clinton politically."

# # #

Politico: Lynch Refuses to Answer Questions on Clinton Email Probe (Josh Gerstein)
http://www.politico.com/story/2016/07/loretta-lynch-testimony-clinton-email-225415

Attorney General Loretta Lynch stonewalled a House committee's questions about the probe into Hillary Clinton's email server Tuesday, steadfastly refusing to discuss the facts and legal standards involved even though FBI Director James Comey did so at length last week.

Under pointed questioning from Republicans, Lynch insisted it would be improper for her to make public comments about the evidence gathered during the almost year-long inquiry.

“While I understand that this investigation has generated significant public interest, as Attorney General, it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team’s recommendation,” Lynch said at the outset of the House Judiciary Committee hearing. “I can tell you that I am extremely proud of the tremendous work of the dedicated prosecutors and agents on this matter.”

Lynch refused even to say how long her meeting with Comey and other members of the investigative team on the Clinton email inquiry lasted.

“I don’t recall and would not be providing that information,” the attorney general said. Lynch’s reticence on the issue clearly irritated GOP lawmakers, who were intent on using the session to explore what they said were inaccurate statements Clinton the all-but-certain Democratic presidential nominee made about her use of a private email server during her tenure as secretary of state.

Republicans also criticized Lynch for deferring to Comey rather than making an independent decision about whether criminal charges against Clinton were warranted.

“You are in charge of the Department of Justice and the buck stops with you,” said Rep. James Sensenbrenner (R-Wis.) “Why did you defer to Director Comey when the decision was yours?”

Lynch stressed that she decided to agree to what her “team” of subordinates and career officials recommended and that their recommendation not to pursue charges was unanimous.

Rep. Steve Chabot injected an unexpected and jarring topic into the hearing by raising President Bill Clinton's false testimony under oath two decades ago in the civil sexual harassment lawsuit brought by Paula Jones. Chabot appeared to be arguing that Secretary Clinton was getting away scotfree with the kind of false testimony that resulted in her husband's impeachment years ago.

"He was accused of sexually harassing a number of women. He lied under oath about it,"Chabot said. "A young intern came forward...There was physical proof. I won't go into exactly what that was. That's why articles of impeachment were voted."

Democrats denounced Chabot's comments as over the line.

"I think we've reached a low point on this committee," said Rep. Hank Johnson (D-Ga.), who criticized his colleague for digging up "salacious" and dated events.

And the attorney general repeatedly insisted that she did not benefit from a double standard.

“There’s no separate method of enforcement for anyone here,” Lynch said. “I understand the emotion that generates. I understand the frustration that it generates…..She received no treatment different from any other.”

Lynch’s appearance came one day after House Republicans sought to fuel the controversy over Clinton’s email set-up by sending a pair of letters urging further investigation. One letter asked the U.S. Attorney in Washington to consider perjury charges against Clinton. Another asked

Comey to provide detailed records of the criminal probe, including details of Clinton's three-and-a-half-hour interview with the bureau earlier this month.

"It appears Secretary Clinton testified falsely when appearing under oath before the select Committee on Benghazi," Judiciary Committee Chairman Bob Goodlatte (R-Va.). "Secretary Clinton's extreme carelessness possible jeopardized the safety and security of our national" secrets, he added.

Under questioning by Rep. Jim Jordan (R-Ohio), Lynch said it was her informal meeting with former President Clinton on her plane on an airport tarmac in Phoenix last month that led her to declare publicly that she had decided to defer to the FBI's recommendation on Clinton's case.

"I was concerned that the conversation I had with the former president might make people think there was some influence there," Lynch said.

Jordan said Lynch's public announcement of plans to defer to her subordinates was a mistake.

"Why announce ahead of time when you've never done it before…and still claim you're the ultimate decider?...I think your action made it worse," Jordan said.

Lynch's unwillingness to provide her views on the facts or how the law applied to Clinton's situation provoked considerable frustration from Republicans and, a couple hours into the session, a stern rebuke from the committee's chairman.

"Your refusal to answer questions about a person who seeks the most important office in this land is an abdication of your responsibility," Goodlatte said as he prodded Lynch to be more responsive.

Lynch wasn't appreciably more forthcoming after that, prompting one GOP lawmaker to declare he was giving up.

"I'm going to simply capitulate to your prodigious dissimilation skills," said Rep. Trent Franks (R-Ariz.). " I'm going to suspend the remainder of my questions."

It was unclear whether Lynch's refusal to engage the email issue amounted to an implicit criticism of Comey for the extensive public comments he made about the Clinton email probe, both during a press statement last Tuesday and in testimony to the House Oversight and Government Reform Committee last Thursday.

At one point, the attorney general suggested she simply didn't have the same detailed knowledge of the probe as did Comey, who said repeatedly in recent months that he was closely monitoring the inquiry.

"The director and I had very different roles in this investigation and, therefore, very different amounts of information about this investigation," Lynch said.

At other moments, however, Lynch indicated her decision not to comment was driven by an ethical or policy concerns.

“It would not be appropriate in my role to discuss the specific facts and the law,” the attorney general said. “We typically actually do not provide the level of detail that Director Comey did.”

Some former prosecutors and Justice Department officials have criticized Comey for his detailed discussion of the FBI’s findings in a case that will not be prosecuted.

As employees of the Justice Department, both Lynch and Comey are subject to the same basic policies and regulations, including rules limiting public comment on investigations. Those regulations generally prohibit comment on evidence in a case, but there are exceptions for crimes of an “extraordinary nature.”

After an early afternoon break for a House floor vote, Lynch said she wanted to clarify that she was reluctant to discuss the information she had about the case because doing so could chill open discussion within the department.

“The information a team provides to me in this or any other case has to be given in a zone of confidentiality,” the attorney general said.

However, moments later, Lynch said disclosure of information about the investigation had been “frustrating” and she suggested it wouldn’t be fair to subjects of an investigation to characterize their behavior.

“Typically, we do not characterize the actions of individuals,” she said.

While Lynch offered no direct criticism of Clinton or her conduct, Benghazi Committee Chairman Rep. Trey Gowdy of South Carolina did manage to get the attorney general to say it’s her practice to use official email for work matters and only to use secure channels for classified communications.

“I believe it’s important to do that,” Lynch said. “It provides for a way of doing business in a secure system.”

The focus of lawmakers’ rhetoric Tuesday reflected a stark partisan divide. While Republicans bore down on Lynch over the Clinton email matter, Democrats accused their GOP colleagues of ignoring or downplaying more pressing issues such as gun violence and tensions between minority communities and police.

“Rome is burning. There is blood on the streets of many American cities and we are beating this email horse to death,” Rep. Cedric Richmond (D-La.) said.

“We’re in the middle of an election season,” the panel’s ranking Democrat Rep. John Conyers of Michigan declared, lamenting that the committee was missing “an opportunity to have engaged with you on more worthy subjects.”

“Apparently, Secretary Clinton’s email takes precedence over gun violence and civil rights,” Conyers said. “Let us be clear; the criminal investigation is closed there’re was no intentional

wrongdoing….If any of my colleagues are not yet convinced, it is because they don't want to be convinced."

Some Republican lawmakers defended the hearing, saying it was evident to them that political influence had affected the decision not to prosecute Clinton over the presence of classified information on her private server.

"It is a very serious matter and it's been covered up, General Lynch," said Rep. Steve King (R-Iowa).

Another unexpected turn in the hearing came when Rep. Randy Forbes (R-Va.) faulted Lynch for prosecuting former Gov. Bob McDonnell (R-Va.) over allegations he took official actions in exchange for tens of thousands of dollars in gifts and loans for a local businessman.

"You launched everything this department had against him to destroy him and prosecute him. Can you tell me the federal nexus you had in that case and compare that to the federal nexus against Secretary Clinton in national security of this county, which you refused to bring to a grand jury or for indictment to see if, in fact, one is justified?" Forbes asked.

Lynch, who was sworn in as attorney general after McDonnell was charged and convicted, declined to comment on the comparison to the former governor. His corruption convictions were overturned by the Supreme Court last month.

Lynch was so tight lipped that one Republican lawmaker said near the end of the hearing he was longing for the unthinkable: the return of Attorney General Eric Holder, who was on the receiving end of intense ire from GOP lawmakers and was eventually held in contempt of Congress in a House floor vote.

"I miss Eric Holder. At least, when he came here he gave us answers we didn't like…," Rep. Doug Collins (R-Ga.) said. "The optics of this are bad and you, today, have made it worse."

# # #

NBC News: GOP Grills Lynch Over Clinton Email Investigation (Aliyah Frumin)
http://www.nbcnews.com/news/us-news/gop-grills-lynch-over-clinton-email-investigation-n607761

Republican lawmakers grilled Attorney General Loretta Lynch on Tuesday about the Justice Department's decision not to bring charges against Hillary Clinton over her use of private email servers while secretary of state.

Democrats, meanwhile, skewered the GOP's inquisition as nothing more than campaign season posturing.

Lynch's appearance before the House Judiciary Committee was her first before Congress since the Justice Department's announcement last week that it was closing the Clinton email probe.

Lynch, who had removed herself from the case and said she would go with the recommendation of her team, repeatedly deflected questions on the decision not to prosecute Clinton, the presumptive Democratic presidential nominee. Instead, she referred to FBI Director James Comey's findings.

"While I understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation," Lynch told the committee.

She also stressed that she was extremely "proud" of the "tremendous work" of career agents and prosecutors, including Comey.

Republicans weren't buying it.

House Judiciary Chairman Bob Goodlatte, R-Virginia, said the decision was "troubling" and argued Clinton was held to a different standard. He insisted in his opening statement that Clinton's "extreme carelessness" may have hurt the safety and security of the U.S., arguing "she cannot be trusted with the nation's most sensitive secrets" if she becomes commander-in-chief.

"You're in charge of the Department of Justice. The buck stops with you," said GOP Rep. James Sensenbrenner of Wisconsin.

Meanwhile, Democrats, including ranking member Rep. John Conyers, D-Michigan, scolded Republicans for focusing on Clinton's email probe during an election season, insisting the issue has "taken precedence over gun violence and civil rights. Let us be clear the criminal investigation is closed. There was no intentional wrongdoing."

Democratic Rep. Zoe Lofgren of California later added, "We're beating a dead horse here for political reasons."

Lynch's testimony follows Comey, who defended his decision not to recommend criminal charges against the presumed Democratic presidential candidate during a contentious, almost five-hour hearing in front of the House Oversight and Government Reform Committee last week.

Republicans also continued to pepper Lynch with questions over her recent private meeting at an airport in Phoenix, Arizona with former president Bill Clinton, arguing it raised questions about the integrity of the inquiry. While Lynch has repeatedly conceded that the ill-advised meeting "cast a shadow" over the FBI-led investigation, she has maintained that the conversation was social in nature.

Lynch stressed the same on Tuesday, insisting "nothing of any relationship to the email investigation was discussed."

Lynch also discussed last week's lethal police shootings of two black men Philando Castile in Minnesota and Alton Sterling in Louisiana and the attack by a black sniper on five police officers in Dallas.

She stressed that the department would continue to provide support and resources to police and citizens "in their efforts to build strong and more united communities."

"As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build bonds of trust and cooperation between law enforcement and the communities we serve," Lynch said. "That work has never been more difficult or more important."

Lynch's tenure as attorney general began the same week Baltimore erupted in riots following the death of Freddie Gray, a black man who died from spinal injuries sustained after being transported in a police van last year. Since then, several high-profile incidents have occurred between minorities and law enforcement, including the high profile deaths of several African Americans while in police custody or during arrest an issue Lynch has promised to tackle.

# # #

The Atlantic: Loretta Lynch Can't Escape the Clinton Emails (Priscilla Alvarez, Nora Kelly)
http://www.theatlantic.com/politics/archive/2016/07/loretta-lynch-bill-clinton/490907/

Attorney General Loretta Lynch testified before the House Judiciary Committee on Tuesday in a hearing that vacillated between lawmakers expressing concern over the investigation of Hillary Clinton's email practices and their concerns about recent shootings.

House Judiciary Committee Chairman Bob Goodlatte kicked off the hearing with a moment of silence for the law-enforcement victims of last week's killings in Dallas and the shooting deaths of Alton Sterling in Louisiana and Philando Castile in Minnesota, both by police. Lynch followed with an acknowledgment of her own.

"Our hearts are literally broken for the families and loved ones of those we lost in these tragic events," Lynch said in her opening statement. "As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build the bonds of trust and cooperation between law enforcement and the communities that we serve. That has never been more difficult nor more important." She added the department "will continue to give local departments the tools they need and training they require to come home safely, from funds for bulletproof vests to training in officer health, safety, and wellness."

The Clinton email probe dominated much of the session, with House Republicans grilling Lynch about her relationship with the Clintons and pressing her on the FBI's determination in the case. Last week, FBI Director James Comey announced he would not recommend charges against Clinton following his agency's investigation, but noted that her email use was "extremely careless." In short order, House Republicans called on Comey to appear at a congressional hearing on the investigation. This morning, Lynch, whose Justice Department closed the Clinton probe last week, was in a similar position.

She indicated in her opening statement she wouldn't be particularly open to discussing the matter. "It would be inappropriate for me to comment further on the underlying facts of the

investigation or the legal basis for the team's recommendation." But Republicans ignored her intention. Virginia Representative Randy Forbes asked Lynch whether she was legally prohibited from answering lawmakers' questions. She said that it "would not be appropriate in my role" to comment on some matters, and noted that Comey's comments on the case weren't typical. Goodlatte earlier asked Lynch if she agreed with the FBI's conclusion. "I accepted that recommendation," she said. "I saw no reason not to accept it. I reiterate my pride and faith in their work." She confirmed that she hadn't spoken with either of the Clintons about the FBI's investigation, including during a conversation she had just days before Comey's announcement with former President Bill Clinton. Goodlatte called that encounter "troubling" in his remarks at the top of the meeting.

Democrats seemed to have one goal throughout the meeting to stop talking about Clinton's emails. Ranking Member John Conyers tried to focus lawmakers on criminal-justice reform. "I believe it's more critical than ever that we reach a final agreement on police accountability and standards," he said. Conyers noted the few working days left for Congress until it adjourns for the summer recess: "How will my colleagues on the other side of the aisle choose to fill that time? Today, apparently, Secretary Hillary Clinton's e-mail takes precedence over gun violence and civil rights."

# # #

TPM: Gohmert: Don't Accuse Me Of Obsessing Over Clinton! Now About Those Emails… (Caitlin Macneal)
http://talkingpointsmemo.com/livewire/louie-gohmert-clinton-emails-dallas-shooting

Rep. Louie Gohmert (R-TX) was outraged.

A Democratic congressman had just accused Republicans in a House Judiciary Committee hearing with Attorney General Loretta Lynch of caring more about Hillary Clinton's email use than the recent fatal shootings of Dallas police officers.

But Gohmert wasn't quite upset enough to question Lynch about anything other than the investigation into Clinton's email server.

Rep. Luis Gutierrez (D-IL) began his questions for Lynch by noting that Republicans spent more time in the hearing asking the attorney general about Clinton's emails than about shootings across the country, including the one that killed five police officers in Dallas last week. He said that to Republicans, the safety of Americans isn't important.

"What's important? Let's go talk about the emails once again," Gutierrez said, referring to Republicans.

He criticized Republican members for using the hearing to bring up the impeachment trial of former President Bill Clinton and the Supreme Court's decision to throw out the conviction of former Virginia Gov. Bob McDonnell (R).

Gohmert was next in line to question Lynch, and began by offering a rebuttal to Gutierrez. He said it was "an outrage" to accuse Republicans of not caring about the death of five police officers in Dallas.

The Republican congressman then proceeded to pepper Lynch with questions about the probe into Clinton's email use, and did not ask about any other topic.

# # #

Herwig, Paige (OAG)

From:	Herwig, Paige (OAG)
Sent:	Friday, July 15, 2016 2:59 PM
To:	Maccoby, Jacob D (OPA); Santel, James (OPA)
Subject:	Fwd: CQ transcript
Attachments:	[CQ] House Judiciary Committee Holds Hearing on Justice Department Overs....pdf; ATT00001.htm

Begin forwarded message:

From: "O'Brien, Alicia C (OLA)" <aobrien@jmd.usdoj.gov>
Date: July 13, 2016 at 9:07:25 AM EDT
To: "Herwig, Paige (OAG)" <pherwig@jmd.usdoj.gov>, "Pokorny, Carolyn (OAG)" <cpokorny@jmd.usdoj.gov>, "Newman, Melanie (OPA)" <mnewman@jmd.usdoj.gov>
Cc: "Kadzik, Peter J (OLA)" <pkadzik@jmd.usdoj.gov>
Subject: CQ transcript

Alicia C. O'Brien
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CQ CONGRESSIONAL TRANSCRIPTS
Congressional Hearings
July 12, 2016 Final

House Judiciary Committee Holds Hearing on Justice Department Oversight

LIST OF PANEL MEMBERS AND WITNESSES

GOODLATTE:
Good morning.

The Judiciary Committee will come to order. And without objection, the chair is authorized to declare recesses of the committee at any time.

We welcome everyone to this morning's hearing on oversight of the Department of Justice. And I will begin by recognizing myself for an opening statement.

Welcome, General Lynch, to your second appearance before the House Judiciary Committee. The flags over the capitol are flying at half-mast in recognition of the five Dallas police officers murdered in cold blood last week. This was not an arrest gone wrong. The person who carried out this appalling act of terror and hate stalked and murdered five police officers and injured seven others and two civilians, ostensibly in retaliation for recent police shootings, including the tragic and fatal shootings in Minnesota and Louisiana last week.

We mourn all those tragedies. The divisiveness between our police and our communities must end. And I ask that we observe a moment of silence for all those who have lost their lives in these tragedies.

(MOMENT OF SILENCE)

GOODLATTE:
Thank you.

We must not give in to state and let emotion replace reason. We must bridge the divide that separates us and embrace one another as Americans. We must have faith that the institutions that have sustained our republic for the last 240 years will deliver fair, impartial justice to victims of crime and punish the guilty.

I look forward to your thoughts on this important matter.

GOODLATTE:
The American people also expect government officials to abide by the law, just like everyone else. And to be reprimanded when they break the law. That is not the

case for former secretary of state Hillary Clinton.

Last week FBI Director James Comey announced that he would not recommend criminal charges against Secretary Clinton for her use of a private e-mail server while at the State Department and the mishandling of classified information.

The timing of and circumstances surrounding this announcement are particularly troubling. On Monday, June 27, Attorney General Lynch, you met privately with former President Bill Clinton aboard your plane on the tarmac of the Phoenix Airport, despite the fact that his wife was a target of an ongoing criminal investigation.

This encounter is even more troubling if the FBI is also investigating improper donations to the Clinton Foundation, which was founded by former President Clinton, a member of the foundation's board of directors.

Five days later, the FBI held its first and only interview with Secretary Clinton after a year-long investigation. Three days later, and on the first day back from a holiday weekend, Director Comey publicly announced that he was not recommending charges against Secretary Clinton.

And a mere 24 hours later, Attorney General Lynch, you issued a press release announcing that no charges would be brought against Secretary Clinton. While Director Comey may have refused to criminally indict Hillary Clinton, his public pronouncement and subsequent congressional testimony is nonetheless a public indictment of her conduct and character.

Though Director Comey declined to recommend charges, he laid out sufficient facts to warrant a referral to the Justice Department. That forces one to confront the question of whether someone who was not in Secretary Clinton's position would have fared as well with the FBI as she did.

Secretary Clinton stated repeatedly that no classified information was contained within her private e-mail system. This is not true. The FBI found 110 e-mails in 52 e-mail chains containing classified information at the time they were sent or received.

Secretary Clinton stated repeatedly that no information in her e- mails was marked classified. This is not true. The FBI found that some of these e-mails were marked classified. Secretary Clinton said all relevant e-mails were returned to the State Department. This is not true. The FBI found thousands of work related e-mails that were not returned.

But all of this evidence, according to Director Comey, amounted only to, quote, "extreme carelessness by Secretary Clinton and her staff." And although the director admitted that there is evidence of potential violations of the statutes regarding the handling of classified information, he went so far as to publicly declare that, quote, "no reasonable prosecutor would bring such a case." This

defies logic and the law.

Contrary to Director Comey's assertions, the law does not require evidence that a person intended to harm the United States in order to be criminally liable for the mishandling of classified information. To be sure, Congress has set forth a variety of statutes on this subject with different intent requirements and penalties.

Were a rank and file federal employee to do what Secretary Clinton did, they would face severe punishment including termination, revocation of security clearances, or criminal prosecution. Even Director Comey acknowledged this fact at a recent congressional hearing.

But Secretary Clinton is not facing prosecution for her actions. This has now become an issue for Congress in that it appears Secretary Clinton testified falsely when appearing under oath before the Select Committee on Benghazi.

Yesterday I and Oversight and Government Reform Chairman Chaffetz asked the United States Attorney for the District of Columbia to investigate Secretary Clinton's testimony before Congress.

Secretary Clinton's extreme carelessness possibly jeopardized the safety and security of our citizens and nation. Her extreme carelessness suggests she cannot be trusted with the nation's most sensitive secrets if she is nevertheless elected president.

Frankly, the FBI's conclusion leaves many more questions than answers. And we hope, Madam Attorney General, to get answers to those questions today.

Thank you.

And it is now my pleasure to recognize the ranking member of the committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

CONYERS:
Thank you, Chairman.

And welcome, Madam Attorney General, for being with us today.

The news of the past few days have been full of questions about violence, civil rights, and the safety of our police officers. I want you to know that we take seriously the burden of each of these questions on your office. It will not have escaped your attention that we're in the middle of an election season. You may also know that there are just three working days left until we break for the summer and really not much more time after that until the Congress ends.

Elections are about choices. A short working schedule is about setting priorities.

As you are no doubt aware, one of this Committee's top legislative priorities is criminal justice reform. We have already found consensus on a range of such issues including sentencing, prison, and asset forfeiture reform. The Chairman of this Committee and I also stand on the precipice of an agreement on policing reform legislation.

Given the events of the past week, the need for this measure has never been more urgent. Questions about the use of lethal force by police are not new, but the nation is newly engaged in the issue after Ferguson, Staten Island, Cleveland, North Charleston and Baltimore. Over the past week, we saw the same sad themes play out in Baton Rouge and Minnesota, as well as the horrific killing of five police officers in Dallas.

I believe it is more critical than ever that we reach a final agreement on police accountability and standards. In the time when African-Americans are 30 percent more likely than whites to be pulled over after -- over while driving -- more than three times more likely to have their car searched, and more than twice as likely to be shot by police, it is imperative that we restore public faith in our criminal justice system.

We must finish this work for both the communities that feel so much anguish this week and for the officers who patrol our streets every day. It is my sincere hope that we consider this matter before we're adjourn.

Unfortunately, there are many other areas where we have not been able to advance bipartisan initiatives. I'd like to tell you that we are prepared to have a substantive discussion about the manner in which we will restore Section 5 of the Voting Rights Act. The pre- clearance mechanism was used for decades by your department to restore a sense of fairness and jurisdictions that have known prejudice for generations.

Since it was struck down, we have seen at least 17 states enact measures designed to restrict access to the ballot box. Bipartisan legislation has been introduced that would have restored this vital tool long before voting began this year, but Mr. Sensenbrenner of Wisconsin's legislation sits untouched.

I would also like to tell you that we are prepared to address the scourge of gun violence in this country. The events last week in Baton Rouge and Minnesota and in Dallas, and the anger and sadness felt in communities across the nation, are what one commentator aptly called, "the horrific predictable result of a widely armed citizenry." This epidemic claims nearly 33,000 individuals every year.

CONYERS:
It affects our churches, our schools, our homes. It places our police officers in to the direct line of fire. It makes our citizens afraid. But we have not held a single hearing

on this topic, not when 26 children and teachers were murdered at Sandy Hook, not when our colleague was shot in Phoenix, and not when the body count reached 49 in Orlando.

Last month, every Democratic member of this committee wrote to our Chairman Goodlatte with a list specific policy proposals to address this violence and today I'm sorry to say we have received no response.

I would also like to tell you Madam Attorney General, that we have an answer for the millions of undocumented immigrants who came here in search of a better life but who are forced to live in the shadows. Some of us have put a great deal of effort into antagonizing and vilifying that community, but this committee has offered very few solutions acknowledging that these families are here to stay. But elections are about choices, Madam Attorney General.

There are only three working days, some counted less, left this month and then re-adjourned for seven weeks. How will my colleagues on the other side of the aisle choose to fill that time? Today, apparently Secretary Hillary Clinton's e-mail takes precedence over gun violence and civil rights. Let us be clear, the criminal investigation is closed. There was no intentional wrongdoing. Director Comey, whose reputation for independence and integrity is unquestioned, has explained his reasoning in great detail.

If any of my colleagues are not yet convinced, it is because they do not want to be convinced. And in their zeal to call Secretary Clinton a liar or maybe even a criminal despite the fact and despite the law, I fear we will have missed an opportunity to engage with you on more worthy subjects. We may also spend time today talking about the alleged wrongdoings of Commissioner Koskinen of the Internal Revenue Service.

Some of my colleagues want to use one of the remaining working days before the break to move his impeachment directly to the House floor, I hope they do not. In many ways, this gesture is totally meaningless. There is bipartisan consensus that the Commissioner's critics have not proved their case, and there is virtually no chance of a conviction in the Senate. But I believe that the rush to impeachment, although ineffectual, would set a dangerous precedent for the Congress and the American people.

Once we cross this line, we write a new rule. Whatever the merits of the charges, the House may impeach an official without due process, without the right to counsel, without the right to present evidence to this committee and without the right question the evidence presented against him. Elections are about choices, and here is the choice we face as the clock runs down on the 114th Congress. We can spend a few days that remain on conspiracy theories and political sniping, that does little for our constituents but drive them further apart from their neighbors.

Or we can attempt to solve even one of the long list of problems facing this country

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today. We should choose to do work. The work we were sent here to do, or the public is right to choose somebody else to do it, and so I look forward to our conversation today, Madam Attorney General Lynch. I thank the Chairman and I yield back. Thank you.

GOODLATTE:
Thank you Mr. Conyers, and without objection, all the members' opening statements will be made a part of the record. We welcome our distinguished witness today and General Lynch if you would please rise, I'll begin by swearing you in. Do you swear that the testimony that you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

LYNCH:
I do.

GOODLATTE:
Thank you. Let the record reflect that the witness has responded in the affirmative. Attorney General Loretta Lynch was sworn in as the 83rd attorney general of the United States on April 27, 2015. As Lynch began her career in public service by joining the United States Attorney's Office for the Eastern district of New York. After nine years, Ms. Lynch was appointed by President Bill Clinton to lead that office as United States Attorney, a post she held until 2001.

Ms. Lynch then worked in private practice until 2010 when President Obama asked her to resume leadership of the United States Attorney's Office in Brooklyn. Ms. Lynch is a graduate of Harvard College and Harvard Law School. General Lynch, welcome. Your entire testimony will be made a part of the record and we ask you summarize your testimony in five minutes, thank you and you may begin.

LYNCH:
Thank you, sir.

Chairman Goodlatte, Ranking Member Conyers, and the distinguished members of this committee, I'm grateful for the opportunity to appear before you today to discuss how we can continue working together to ensure the security of our nation and the strength of our communities and the safety of our people. Now as we gather here this morning, I know that we are all thinking of the two bailiffs who were killed and the sheriff's deputy who was wounded in the shooting in a courthouse in Michigan yesterday.

The Department of Justice stands ready to provide whatever help we can to state and local authorities as they investigate this heinous crime and our sincerest condolences are with the friends, the colleagues and the loved ones of the devoted public servants that we lost. Now of course this incident follows on the heels of a

series of devastating events that rocked our nation last week.

The tragic deaths of Alton Sterling in Louisiana and Filando Castile in Minnesota and the deplorable murder of five brave Dallas police officers, Lorne Ahrens, Michael Krol, Michael Smith, Brent Thompson and Patrick Zamarripa, who were protecting a peaceful protest along with several of their comrades who were wounded. The Department of Justice, including the FBI, ATF, the U.S. Marshall Service and our U.S. Attorney's Office in the Northern distract of Texas is working closely with our state and local counterparts and we will offer any assistance that we can as the investigation in Dallas unfolds.

And among other resources we will send assistance to the victims and to their families. Our hearts are literally broken for the families and loved ones of those we lost in these tragic events and our gratitude goes out to the brave men and women who wear the badge who carry our safety on their shoulders and who risk their lives every day to keep us safe. Now as we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build the bonds of trust and cooperation between law enforcement and the communities that we serve.

That work has never been more difficult not more important. We will continue to offer our state and local partners funding, training, technical assistance for critical programs as well as for assets like body worn cameras, de-escalation training and education in implicit bias. In fact in the last month, we announced that we would begin providing implicit bias training to federal law enforcement agents and prosecutors. We will continue to promote the recommendations of the president's task force on 21st century policing through training and technical assistance.

Our Civil Rights Division plays a critical role in ensuring constitutional policing and accountability and in rebuilding trust where trust has eroded.

And through our Office of Justice programs and our Office of Community Oriented Policing Services, we will continue to give local departments the tools they need and the training they require to come home safely, from funds for bulletproof vests to training in officer health, safety and wellness.

LYNCH:
Now, at the same time that we are working to support police and citizens in their efforts to build stronger and more united communities, we remain committed to keeping those communities safe and secure.

Just one month ago today, 49 innocent lives were taken in an attack on the Pulse Nightclub in Orlando: an appalling act of terror and of hate that underscored the urgency of confronting threats to our nation wherever they emerge and whatever form they take. There's no responsibility that this Department takes more seriously.

We're moving aggressively against those who seek to receive training from or are inspired by foreign violent extremist groups. And we've arrested more than 90 individuals since 2013 for conduct related to foreign fighter activity and homegrown violent extremism.

And we are working closely with our counterparts abroad to pursue terrorists and investigate attacks around the world. As the recent incidents in Turkey, Bangladesh, Iraq and Saudi Arabia have reminded us, terror knows no borders. And in the face of violent extremism, we must stand with our global partners in unity, readiness and in resolve. Now, I want to close with a comment about the investigation of Secretary Clinton's use of a personal e-mail server during her time as Secretary of State.

As you are aware, last week I met with Director Comey and career prosecutors and agents who conducted that investigation. I received and accepted their unanimous recommendation that the thorough, year long investigation be closed and no charges be brought against any individuals within the scope of the investigation. And while I understand, that this investigation has generated significant public interest, as Attorney General it would be inappropriate for me to comment further on the underlying facts of the investigations or the legal basis for the teams recommendation. But I can tell you that I am extremely proud of the tremendous work of the dedicated prosecutors and agents on this matter.

Thank you for this opportunity to make this opening statement.

GOODLATTE:
Thank you General Lynch. We'll now proceed under the five minute rule with questions for the witnesses and I'll begin by recognizing myself. Before being confirmed as Attorney General in May of last year, you were first nominated by President Obama to serve as United States Attorney for the Eastern District of New York. You were originally appointed to the U.S. Attorney post in 1999 by former President Bill Clinton. The existence of Secretary Clinton's private e-mail server was first brought to light in March of last year, one month before your confirmation as Attorney General.

A few months after your confirmation, the Inspectors General of State and National Intelligence requested the Department of Justice investigate whether classified information was stored on her private e-mail servers. The FBI then opened an investigation to the matter. Given that she was a political appointee of your current boss and more importantly, the wife of your previous boss, why did you not see fit to recuse yourself from the investigation? Wouldn't recusal or appointment of a special prosecutor have removed any appearance of impropriety given your service during Bill Clinton's presidency?

LYNCH:
Thank you for the question Mr. Chairman. As I've said on several occasions before

when the referral came into the Department of Justice, it was received and referred to experienced, dedicated career agents and prosecutors who handle matters of this type everyday, with independence, with efficiency, with thoroughness and the matter was handled like any other matter. It was reviewed through the chain by those independent career agents and prosecutors and in considering the matter there was no connection. There was no need for recusal or an independent prosecutor. And I indicated before, I'm incredibly proud of the dedicated work that they did over the past year.

GOODLATTE:
Let me follow up on that then. Two weeks ago, roughly a year into the FBI's investigation and a mere week before Director Comey's announcement. You met privately with your former boss, former President Bill Clinton on your plane at the Phoenix airport. Why was this meeting, particularly in light of your previous appointment by President Clinton, not grounds for recusing yourself?

LYNCH:
With respect of my conversation that I had with former President Clinton in Phoenix, it was a conversation that was held on the airplane, on the tarmac. The former President indicated he wanted to say hello, and I agreed to say hello. And we had a social conversation, nothing of any relationship to the e-mail investigation was discussed nor were any specific cases or matters before the Department of Justice discussed.

GOODLATTE:
We'll have some follow up questions to that later. But let me turn your attention to Director Comey's conclusions on a variety of points. Secretary Clinton stated that she never sent of received information marked as classified on her server. Director Comey stated, that was not true. Do you agree with Director Comey?

LYNCH:
You know, Director Comey has chosen to provide great detail into the basis of his recommendations that were ultimately provided to me. He's chosen to provide detailed statements and I would refer you to those statements. I, as Attorney General, am not able to provide any further comment on facts or the substance of the investigation.

GOODLATTE:
Well General Lynch, I think you would agree that the ultimate responsibility for a prosecutorial decision does not rest with the Federal Bureau of Investigation but with the Department of Justice, which you head. Have you not taken a close look at the work done by Director Comey, especially given the extreme national interest in

this issue to make a determination yourself? Whether you and those working for you agree or disagree with Director Comey?

LYNCH:
As I've indicated, I received the recommendation of the team and that team was composed of prosecutors and agents. With the unanimous recommendation as to how to resolve the investigation, and what the information that they had received.

GOODLATTE:
Do you agree with the conclusion?

LYNCH:
And I accepted that recommendation. I saw no reason not to accept it and again I reiterate my pride and faith in their work.

GOODLATTE:
Secretary Clinton stated that she did not e-mail any classified material, and Director Comey stated there was classified material e-mailed. Do you agree with Director Comey's conclusion about that?

LYNCH:
Again, I would have to refer you to Director Comey's statements for the basis for his recommendation.

GOODLATTE:
Director Comey stated there is evidence of potential violations of the statutes regarding the handling of classified information. Do you agree with Director Comey's statement?

LYNCH:
Again, I would refer you to Director Comey for any further explanation as to the basis for his recommendations. The recommendation that I received from the team, including Director Comey was that the investigation be - -

GOODLATTE:
Director Comey made a recommendation, but he made a recommendation to the Department of Justice, which you head. And you would have to come to the final conclusion on whether or not to act. I would presume that before you acted, you would look at his conclusions and determine whether you agreed with them or not.

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LYNCH:
As I've indicated, I received a briefing from the team, which included, not just the prosecutors, but the agents and Director Comey, their unanimous recommendation was that the matter be resolved in the way in which we've announced. And I accepted that recommendation.

GOODLATTE:
Let me ask you one final question. That does not regard the specific facts with regard to Secretary Clinton, but Director Comey said that there was not clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information. My question for you is, is intent to violate the law a requirement under 18 USC Section 793F?

LYNCH:
Well, Congressman, I think the statutes that were considered here speak for themselves, to answer further would require a discussion of the facts and analysis of this matter. Which as I've indicated, I'm not in the position to provide at this time. Again, I refer you to Director Comey's discussion for that. As I've indicated, the team reviewed this matter and it was a unanimous team decision.

GOODLATTE:
And you made a decision following their recommendation to you, that you were not going to prosecute and the matter was closed, is that correct?

LYNCH:
I made the decision, some time ago, that I would accept the recommendation of that team, and was awaiting that recommendation. When I received it, there was no basis not to accept it and again I reiterate my pride and faith in them.

GOODLATTE:
Well thank you. I appreciate your faith in them. The concern here is regard to your sworn oath to uphold the United States Constitution and the laws there under, including 18 USC Section 793F and 18 USC Section 924 and to conclude that no prosecution would take place without examining and drawing conclusions regarding the questions that I've just asked, does not seem to be a responsible way to uphold your constitutionally sworn oath.

At this time, I recognize the Ranking Member of the Committee the gentleman from Michigan, Mr. Conyers, for his questions.

CONYERS:

Thank you.

Thank you for being here again, Attorney General. And thank you very much for your frank and candid discussion with us that is now taking place.

I'm looking for answers, and views of some events that I'm going to string together and ask you to discuss as far as you can, and in an appropriate manner. Baton Rouge, Louisiana police shot and killed Alton Sterling, video shows that he was shot while being pinned to the ground by two officers. Outside of Minneapolis, police shot and killed Philando Castile, at what should have been a routine traffic stop. He was armed but reports suggest that he repeatedly told police that he had a valid permit for the weapon. In Dallas, a gunman killed five police officers and wounded seven others in what appeared to be a well planned attack.

This terrible act in the middle of an otherwise peaceful protest in a city that has become a model for community engaged policing. And so I think you're qualified to advise us here as both the chief law enforcement officer in the United States and the first African- American woman to hold that post.

How can we make sense of these events during these trying times, ma'am?

LYNCH:
Thank you, Congressman, for the opportunity to speak on these issues. I believe that you have truly outlined the issue of the day facing our nation. And it is my hope that as we all look at these tragic incidents that we will take the opportunity to draw closer to each other, to have the difficult conversations about race and policing in this country involving all sides, involving all issues and all points of view.

I have spent the last year as Attorney General touring this great country, meeting specifically on the issue of police and community relations. And I have sought out jurisdictions that have had extremely troubled relationships, but have in fact made the conscious decision to pull themselves back from that brink and develop a positive relationship, between the community and law enforcement.

It can be done. I have seen it done. You have cited Dallas as one example of a police department that through its community policing efforts has crafted a strong bond with its community. So that when there is tension, there is an outlet, there is a way for discussion.

I believe, Congressman, that the key to many of the problems that we face is communication. Communication and truly listening to one another, listening to individuals who feel, for whatever reason, separated and at a distance from the goals of this great country.

Individuals who feel that they do not have an opportunity to fully participate in this great democracy, as well as listening to our brave members of law enforcement who talk to me every day with great poignancy about why they joined this wonderful

profession, their desire to protect, to serve, to put young people on the right path, to build a better country and build strong communities because they live in those communities.

All of that must be recognized as well as the pain of law enforcement who feel themselves under attack, as well. By recognizing our common humanity, our common loss and our common goals we can in fact work on this difficult problem.

CONYERS:
Thank you for your response. I would like to ask you in a friendly way how we can, as a committee, what is it that we can do to address the problem? And we seek your friendly advice in that direction because we want to work together with all of the branches of government and the House Judiciary Committee is in a very unusually important position to play an important role in this.

LYNCH:
Yes, thank you, Congressman. The Department of Justice is actively engaged in working with both communities and law enforcement to further these discussions. And, of course, efforts in our grant-making arena are important there.

And we welcome and appreciate the support of this committee and others in making sure the department's grant-making operations are fully funded. We also provide a great deal of support for law enforcement through training and technical assistance, for example, the bulletproof vest program and our funding for body-worn cameras for so many police departments.

Again, we thank this committee and so many members of Congress who have provided bipartisan support for those efforts and we would hope those efforts in funding in particular would continue. Those are just a few of the examples of ways in which we hope to continue to receive support.

I would also note that the issue of criminal justice reform is a larger canvas upon which this conversation is being writ. And certainly we support the efforts by so many on this committee and others throughout Congress to push that important legislation forward.

We've provided assistance in terms of many of the details that have been raised in the context of that legislation. I know this committee, in particular, has spent so much time and effort on that. And we appreciate that and all of the issues that have been raised.

And that is an important way towards dealing with making our criminal justice system more effective, more efficient, and more fair. That in and of itself, will go a long way towards restoring faith and trust in the overall criminal justice system, which is also a problem often raised to my attention during my travels.

So the department looks forward to continuing to support those important efforts.

CONYERS:
I'm so pleased that you would be with us today. And I hope that we can continue this communication because it's very important for all of the citizens in our nation.

And I thank the chair.

GOODLATTE:
Thank you, Mr. Conyers.

The chair now recognizes the gentleman from Wisconsin, Mr. Sensenbrenner, for five minutes.

SENSENBRENNER:
Thank you very much, Mr. Chairman.

And thank you, General Lynch, for being with us today. You are in charge of the Department Of Justice. The buck stops with you. And I am concerned that you keep on saying that you have deferred the authority that by law is yours to Director Comey.

Let me give an example. Mr. Comey has said that Secretary Clinton was extremely careless in her handling of highly classified and very sensitive information. Now, the criminal statute uses the word gross negligence.

And I can't, for the life of me, figure out what the difference between gross negligence and extremely careless is unless one really wants to parse some words. Secondly, the misdemeanor statute does not require intent. It's a strict liability statute and it relates to the removal and retention of classified information.

So it doesn't matter whether Secretary Clinton had the intent to do that or not, the fact is, is that the FBI said that she did it. Now, I think that what the Director Comey has said is that Secretary Clinton's actions essentially meet the definition for prosecution under the statute.

Why did you defer to Director Comey when the responsibility is yours?

LYNCH:
Thank you, Mr. -- thank you, Congressman, for the question. Let me be clear that my decision was to accept the recommendation of the team of agents and investigators who worked on this.

And these are the career attorneys and as well as the dedicated investigators including the FBI director who worked on this matter for over a year. They've

reviewed the facts. They followed the facts. They looked at the law.

They've applied the facts to that law and came up with a unanimous recommendation, a joint recommendation in effect that was provided to me.

(CROSSTALK)

SENSENBRENNER:
Well, I have a limited amount of time. You know, the fact is, is that whether it's extremely careless or gross negligence and a strict liability statute, I think that the language of the statute is clear.

Now, I've noted that the Justice Department over the last several years has prosecuted several servicemen for doing the exact same thing that Secretary Clinton did. And in one case, actually reached a judgment of a court that prohibited that servicemen from ever having a security classification again.

Now, you'll have a problem, Madam Attorney General, that people think that there's a different standard between the servicemen and Secretary Clinton and the fact that the language is almost synonymous, if not synonymous, saying no prosecution of Secretary Clinton and prosecution and conviction of the servicemen.

You have a burden, I think, to convince to the American public that you don't have a double standard. You're not meeting the burden, how do you plan to change the argument that you make to the American public so that they can be convinced that the thing was correct and that you made the right decision rather than simply deferring to people in the FBI and prosecutors?

LYNCH:
Congressman, every case stands on its own separate facts and application of those facts to the law. So you have to refer to the specific facts of the other matters that you're referring to.

With respect to the investigation into the former secretary's handling of classified information, her private e-mail system. Again, I tell you, I can tell you and this entire committee and the American people, that all of the relevant facts were considered, investigated thoroughly, and reviewed by the entire team.

LYNCH:
Which, again, is composed of career independent, investigators, as well as lawyers and their recommendation upon a full and thorough analysis was that the matter be revolved in the way in which is was recommended to me.

As I've indicated, I've determined to accept that recommendation and did in fact accept that recommendation.

SENSENBRENNER:
One final question. One of the service people who was prosecuted basically sent an e-mail out that his fellow Marines were in danger. And he ended up getting prosecuted for warning his fellow Marines that their lives may be in danger. Now here in the case of Mrs. Clinton, the private e-mail arrangement was simply to avoid public scrutiny. So in terms of the intent of Major Jason Brezler and Secretary Clinton one, Major Brezler, was doing it to save his colleagues. The other, Secretary Clinton, was to avoid transparency.

In terms of the bottom line, that's the hoop that you have to jump through in order to retain and regain your credibility with the American public. I hope that you'll be able to do that. And I yield back.

GOODLATTE:
Chair thanks the gentleman and recognizes the gentleman from New York, Mr. Nadler, for five minutes.

NADLER:
Thank you Mr. Chairman. Thank you Ms. Lynch for appearing here today and for your service as Attorney General. I'm sure that many of my Republican colleagues will spend their time discussing the over-hyped matter concerning Secretary Clinton's e- mails and I'm going to focus instead on more important issues facing this country.

We're all sickened by the killings of Alton Sterling in Baton Rouge and Philando Castile outside of St. Paul. According to the ACLU Mr. Castile was the 123rd African-American to be killed by law enforcement this year. That is of course no excuse for last week's vicious murders of five police officers in Dallas but the knowledge that Mr. Sterling's and Mr. Castile's deaths come on the heels of a long list of senseless killings of black men, women and children's encounters with the police might have gone differently had they not been black must spur us to take action.

Black Lives Matter is not a hashtag. It is an imperative. And I appreciate the work that you are doing and your department is doing in this regard and I hope you'll keep us informed on that. But I want to go to a different matter, related, unfortunately. Exactly one month ago today a lone gunman killed 49 people and wounded more than 50 others in an LGTB nightclub in Orlando. Mass shootings are now an all- too-common occurrence in this country. In 2016 there were 229 mass shootings defined as shootings in which at least four people are shot.

As you know every day on average nearly 300 Americans are shot in murders, assaults, suicides, suicide attempts, accidents and police actions. Forty-eight of them are children and teenagers. This is a distinctly American problem. More than

33,000 Americans lose their lives to gun violence each year. In the United Kingdom, in 2011, 146 deaths to gun violence. In Denmark, 71. Portugal, 142. Japan just 30. In the United States, 33,000.

You cannot tell me, no one can tell me, that the American people are a thousand times more mentally ill than people in these other countries.

A recent study in the American Journal of Medicine found that compared to 22 other high-income countries the gun-related murder rate in the United States is 25 times higher. We have held exact (Inaudible) there is an epidemic of gun violence. And how is the majority in Congress responded? With emergency hearings about Hillary Clinton's and Lois Lerner's e-mails. WE have held of course zero hearings on gun violence. We have passed no bills to address the issue. We have done nothing to require universal background checks, we continue to allow military style assault weapons in our streets. We have not even prevented those on the no-fly list from purchasing guns.

That;s why I was proud to join John Lewis and nearly the entire Democratic Caucus in protesting the Republican Congress' abdication on this issue. Now, Ms. Lynch, what does the assassination of five Dallas police officers last week tell us about the NRA's favorite adage, "The only thing that stops a bad guy with a gun is a good guy with a gun." The police officers after all were armed. And what about an armed society is a polite society.

LYNCH:
Congressman thank you for raising this important issue of gun violence in our society. I don't have a comment on the NRA's positions or statements...

NADLER:
But what about that statement -- never mind their positions -- what do you think of the statement that the only thing that stops a bad guy with a gun is a good guy with a gun. Is that true? Does it work?

LYNCH:
Congressman, the issue as usual doesn't really lend itself well to aphorisms and short statements. It;s my hope that the work of many on this committee and indeed throughout Congress in having the discussion that has begun on this issue will continue so that we can in fact continue to work on serious issues of access to firearms in our society.

Earlier this year I did make several recommendations to the White House which were accepted for important ways of dealing with this issue. Ranging from clarifying gun guidance on those who are engaged in the business and therefore must provide background checks for purchasers, ranging from clarifying rules on acquisitions of certain types of firearms, and by those in certain business capacities

such as trust.

But also, a very important part of that was a request for additional funding for ATF, for more resources to deal with the information and the issues arising out of gun violence as well as funding for HHS to deal with the issues of mental health that place so many Americans in jeopardy.

NADLER:
A loophole in federal law allows the transfer of firearms to anybody after three business days even if a background check is not complete. Last year the FBI concluded the suspect in the shooting in Charleston was able to purchase a gun through this loophole. Should that policy change, should we hold the transfer of firearms until the background check has been completed?

LYNCH:
Congressman in order to change that rule it would require Congressional action. The three day waiting period is part of Congressional action that has already been voted on by Congress. And certainly it is a fact that with the rise in purchases and the increased use on the NICS background system, there is ever more use of that system. We are working to improve the NICS system, to make it as efficient as possible. We've expanded the number of personnel working on those background checks. We are working also to improve the automated portion of the NICS system so that the dealers who go through the NICS system will be able to get information more quickly and to be able to respond either by proceeding or denying the sale, or in other ways as appropriate. So we are working within the system as it is currently structured. In order to change that it would require Congressional action.

NADLER:
Thank you. My time is expiring but I want to briefly mention one more issue. We've been following the Department's review of the consent decrees that govern ASCAP and BMI. There are reports that the Department is not recommending any changes to the consent decrees but is moving forward with an interpretation of the decrees requiring these organizations to license works on a 100 percent basis instead of the current practice of fractional licensing, in conflict with the formal opinion of the U.S. Registrar of Copyrights.

I've heard from numerous songwriters and constituents greatly concerned about the destruction this will cause in the industry and to the greater process. Several of the parties involved have raised a host of other issues relating to the consent decrees as well. Can you clarify for the committee the status of the Department's review of the consent decrees and the process moving forward?

GOODLATTE:

The time of the gentleman has expired. The witness will be permitted to briefly answer the question.

LYNCH:
Thank you Mr. Chairman. Thank you Congressman. The anti- trust division is engaged in a review of the consent decree which I believe dates to 1941. It has been utilizing a public comment system. After going through an initial round and receiving public comments another round of public comments was also opened. Those comments are still being reviewed. Stakeholders are being consulted with and it is my understanding that the Anti-Trust Division will be wrapping up this matter shortly. And will be making public its findings and we will of course make sure that they're made available to Congress.

I think they would be in any event provided to you but we will certainly make sure that they are provided to you.

NADLER:
Thank you very much.

GOODLATTE:
The Chair recognizes the gentleman from Ohio, Mr. Chabot for five minutes.

CHABOT:
Thank you Mr. Chairman. Madame Attorney General, I think the thing that I find so disheartening, so unfortunate about FBI Director Comey's decision not to recommend criminal charges against former Secretary of State Hillary Clinton last week was that for a lot of Americans it looked like we're setting a double standard here. Unequal treatment under the law.

Under the facts of the case as laid out by Director Comey, virtually anybody else -- I think most Americans think, including myself -- there would have been charges brought for a crime. Against virtually anybody else in this country. But the politically-connected Hillary Clinton, well we won't charge her. Look what Comey laid out. It's already been laid out to some degree but I think it warrants doing it again.

CHABOT:
He found that despite the fact that Hillary claimed that she'd never sent or received classified information over a private e- mail she'd actually send 110 -- over 100 -- of them and eight of those were determined to have been top secret at the time that they were sent.

Now I assume that based upon the way you've answered some of my colleague's

questions prior to this, you're not going to acknowledge what I think virtually every other American believes. Even her supporters.

And that's at least acknowledged as Director Comey did is that she lied. Would you respond?

LYNCH:
Congressman, with respect to the director's statements, as I've indicated, he's provided really unprecedented access into his views of the matter, and I would refer you to them.

I understand the issue you raise, obviously, is one involving perceptions as to whether or not charges would have been brought in some other situation. And again, I can only refer you back to the director's statements where he chose to outline the fact that no other cases similar to this had, in fact, been brought.

CHABOT:
Let me go back to what Mr. Sensenbrenner referred to. I think it's one of the great mysteries of the case. And that's why extreme carelessness -- apparently not in his mind and you accepted it, so I guess apparently not in your mind -- does not institute gross negligence.

Now, I'm an attorney, I practiced 16 years before coming here and I've been on this committee for 20 years so (ph) I'm not actively practicing law right now. Been doing this type of thing for a long time.

And I, for the life of me, don't know what the difference between extreme carelessness and gross negligence is. He said he found one but apparently not the others. Could you shed some light for me and perhaps anybody else in this room or that may ultimately watch this, what is the difference between the two?

LYNCH:
Well, Congressman, again, I'm not going to further explain the director's comments, as he has, I believe, explained them. What I will say, when people have asked, and I believe -- I understand your question to be the meaning of gross negligence, one always, as you know, referred to the statute itself relevant cases and then of course, it is a very fact-specific inquiry.

And since to go further would go into the facts of the case I'm not able to go further at this time. But we start with the statute. We start with relevant case law. We start with legislative history into the determination...

(CROSSTALK)

CHABOT:

OK also as Sensenbrenner mentioned -- I -- I've got limited time, as well. So since -- you're not gonna answer that question, lemme -- lemme give you one final question, here.

Let me go back to this double standard thing that I mentioned before. I couldn't help being reminded when the whole thing -- especially over the last week -- something that I was involved in, in this very committee 18 years ago.

And at the time, it was Hillary Clinton's husband, Bill Clinton who was in trouble. He was accused of sexually harassing a number of women and lied under oath about it, committed perjury. He'd been asked if there were other women.

There was a civil lawsuit brought and oftentimes when you have a lawsuit like that, you go to other people. Did you sexually -- were you aggressive with people who were under your jurisdiction or that you had some power over?

Did you ever do that? No, he never did. Well, then an young intern came forward that was working under him at the White House and she had physical proof. He denied it but there was physical proof.

I won't go into exactly what that was. But there was -- there was proof about that. So he was pretty much caught up in this -- he lied. Committed perjury. And that's why articles of impeachment were voted affirmatively out of this committee.

And then in the full house and then he went for trial in the Senate, I know a lot about that because they picked 13 members to be the prosecutors in that case. The house managers and I was one of them under Henry Hyde, who, of course, has gone on.

My principle focus at that trial was the topic of perjury, the elements of it, its history, what you had to prove. And in my argument with the Senate, my argument about that was that we had hundreds of people all over the country who were in jail. Behind bars for perjury and the President of the United States shouldn't be above the law.

Well, the ultimate though was 50 to remove him, 50 to stay so he remained -- he remained president. But I would just conclude by saying that every American, including the President of the United States, including a candidate for the highest office in our land ought to be treated equally under the law.

And I think in this case, I think it's a travesty because I don't think Hillary Clinton has been treated like any other American would have been treated under the same circumstances.

And I yield back.

GOODLATTE:
Chair (ph), thanks gentleman.

Recognizes the gentlewoman from California Ms. Lofgren for five minutes.

LOFGREN:
Thank you, Mr. Chairman.

Thank you, General Lynch for taking the time to be here with us today. I get a sense that really we're in this political season and there's so much disappointment on the Republican side in a country that they couldn't obviate the election through the legal process.

You know, despite the fact that most of us -- I mean in the Congress -- we use personal e-mails that are not official. I do and I know many members of this committee on both sides of the aisle do that.

And Secretary Clinton, like her predecessor before her General Colin Powell, used a private e-mail system for convenience. She has expressed the view that that was a mistake. I don't know that Colin Powell has.

Certainly, we know from press reports, that the official State Department e-mail account was the subject of a worst-ever cyber intrusion of any federal agency. What we don't know is whether her communications on her private e-mail were actually more secure than had she used the State Department e-mail system.

But after over a year and $30 million or more across various agencies and congressional committees investigating this matter, your agency has finally made the determination to follow the FBI's recommendation not to prosecute.

And I think, you know, to some extent we're being a dead horse here, for political reasons. And I think it's important because to use your time here for other things. There are a lot of things that need attention that we're not giving attention to.

And so I'd like to raise the issue -- it may seem arcane but it's really important -- of the backlog in immigration courts. You know, we have had a massive expansion of immigration enforcement from 2003 to 2016.

We increased the border protection -- U.S. border patrol and protection and ICE from $9.1 billion to $20.1 billion, that's a massive expansion. But at the same time we increased, in your department, the Office of Immigration Review and the immigration courts $199 million to $426 billion.

We have a massive backlog right now in Los Angeles; the backlog is 806 days to hear a matter in immigration court. In Chicago, it's 915 days, Denver 983 days, Phoenix 884 days. This is, I mean, really years and years to hear your matter in court.

And I'm wondering if you have -- obviously, we need additional resources. But what are your thoughts of managing this just unconscionable workload for the immigration courts?

LYNCH:
Thank you, Congresswoman, for raising that important issue. Certainly, with respect to the workload of the Executive Office of Immigration Review, their workload has increased significantly over the past several years due to the influx of those seeking to enter our country.

We saw this problem begin several years ago, as you have noted. The backlog of more than two or three years is something we have been noting. And certainly back in 2014, EIOR (ph) decided to try to handle this matter by prioritizing certain types of cases and trying to work through that backlog.

Particularly along our southwest border, you mentioned Los Angeles, you mentioned phoenix. Although Chicago reflects an influx of individuals who've chosen to move further north.

But particularly along our southwest border. We've been trying to work on those backlogs. The additional resources we have with the assistance of Congress and I thank the members of this committee and other members for their support.

We have been able to add additional resources to the immigration courts. We have, as far as 2016, hired 36 new immigration judges. We hired 20 new judges in 2015 and we have another approximately 100 judges going through the hiring process now.

It is our hope that this will assist us in not only handling the priority issues, but dealing with the backlog that often results from the other areas that we have to pull resources from.

We are always looking for ways to make the system more efficient, to make the system deal with the important issues raised in immigration courts to protect our borders, as well as to provide due process to those who are in immigration court.

LOFGREN:
I thank you, general.

I would like to note, Mr. Chairman that our colleague Sheila Jackson-Lee is not here because she is attending the memorial in Dallas. I wanted to make sure that members knew that it's not for lack of interest but because of that obligation.

I thank you, General Lynch, for your testimony.

And I yield back.

GOODLATTE:
The Chair thanks the gentlewoman, and recognizes the gentleman from California,

Mr. Issa, for five minutes.

ISSA:
Thank you.

General Lynch, you and I worked together on a myriad of issues. And I have great respect for many parts of the work you do and the way you do it.

So, I'm going to take a tact that maybe is more appropriate to my own district and to the men and women there who are asking certain questions. And I'll run you through some quick questions, and it's really for them to understand.

You're obviously a skilled attorney. You took an oath. You're under a penalty of perjury as you speak today. You prepared for today, so that you'd be able to answer some of the critical questions, including, obviously, the ones that you've been asked so far.

Is that correct?

LYNCH:
I try and be responsive to the committee's questions, and I appreciate that the information that staffers provide about what's of interest of the committee, so that we can have the information for you.

ISSA:
So in that preparation -- and you've got my old friend Peter (inaudible) behind you. You prepared to answer questions, more or less in about four ways. Yes, no, I don't know, or I can't answer, or in some cases, some combination of that. That's pretty much how you answer here is affirmatively yes, affirmatively no, or these shades of gray in between, correct?

LYNCH:
Congressman, I'm not going go into the internal discussions....

ISSA:
No, no, I'm not asking for the internal, but the character of the question...

(CROSSTALK)

LYNCH:
... characterize my responses in that way.

ISSA:

So, so far today, you have rarely said absolutely yes or absolutely no, correct? You've mostly talked in terms, of I can't answer that, or it's not appropriate or see the FBI director.

And so, in light of that, and this is really a question of what do I tell the Marines, the sailors, Army personnel in my district, the veterans, the contractors, all those who work for the government with classified information. The former secretary of state, in an unambiguous way said repeatedly, both under oath and to the public time and time again, I did not send or receive any information marked classified.

And you are aware of that, that she had definitively said this repeatedly, right?

LYNCH:
I believe her statements are on the record and I defer you to that.

ISSA:
And I have referred to that. She unambiguously said something which was not true, according to the FBI director.

So, when you send and receive documents that are marked classified, clearly -- and according to her statement, 300 people have seen her e-mails, some portion of those people saw the ones that said secret, top secret, confidential whatever, none of them are charged.

What do I say to the tens of thousands of people that live and work in my district, that work for the federal government, including more than 47,000 Marines? What do I say, when in fact, saying something that isn't true, handling classified information in an extremely careless way has no criminal ramifications?

What do I say to them? How do I reconcile the fact that they know that their friends and colleagues have been prosecuted or fired for doing less in the past?

LYNCH:
Congressman, I can't speak to any cases you may be referring to involving friends or colleagues. Again, I would refer you to the description that...

(CROSSTALK)

ISSA:
No, I appreciate that, Madam General. But I'm going to ask you a question.

(CROSSTALK)

LYNCH:
... that follow this similar fact pattern.

ISSA:
You -- OK.

LYNCH:
That is what I think we focus on.

ISSA:
OK. Let me go through...

LYNCH:
Every case is different.

ISSA:
Every case is different.

LYNCH:
Every case has to be handled in the same way. Every individual, whether they are former secretary...

(CROSSTALK)

ISSA:
Madam General, I have very limited time.

LYNCH:
... with the facts and the law there.

ISSA:
General Lynch, you keep mentioning this professional team of career professionals. Were there any political appointees on that team? Any people, who in fact, did not work for the State Department -- or did not work for the U.S. Attorney's Office prior to President Obama coming into office?

LYNCH:
Well, my understanding -- again, with respect to the team, typically we don't go into the composition of it. It was led by our National Security Division, and everyone on the team was a career individual.

ISSA:

Again, I'll ask the question with specificity. I'm not asking for names. Was there at least one person who was politically appointed that was on that team?

LYNCH:
The investigative team was composed of career prosecutors and seasoned agents.

ISSA:
The question is, was there at least one that did not work a career, that was in fact an appointee, either confirmed or unconfirmed?

LYNCH:
Congressman, I've replied to you as to the composition of the team. That all of them...

ISSA:
OK. So -- so you're answer is no. There were no political appointees.

LYNCH:
All of them were career lawyers, as well as seasoned investigators.

ISSA:
OK. I'll take that as a no, because that's the only way I can interpret what you keep repeating.

So, last but not least, the American people are told that these documents were not a crime to carelessly deal with.

Should I find a way to make sure that those thousands of documents are made public so the American people can evaluate just how insignificant they are or how President Obama said there's classified and then there's classified?

Are these documents, documents that could be easily made available to the public? Or are they too sensitive to be made to the public today?

LYNCH:
Congressman, I would -- you may take the appropriate steps in terms of reviewing anything. And you may make requests for that and we'll work to accommodate you with respect to that.

I don't have an answer for you beyond that...

(CROSSTALK)

ISSA:
Today you could not -- you could not characterize whether any or all of those documents would have to be retained privately because they're too sensitive to be made public.

GOODLATTE:
The time of the gentleman has expired. The witness will be permitted to answer the question.

LYNCH:
Thank you, Mr. Chairman.

With respect to the handling of any of the documents or e-mails in this matter, because they involve another agency, we would have to work with the other agency.

We always work with the agency that is termed the owner of information. So on behalf of the Department Of Justice, I would not be able to give you an answer at this time as to those documents because it would involve other agencies.

ISSA:
Thank you, Mr. Chairman. I yield back.

GOODLATTE:
The chair thanks the gentleman.

Recognizes the gentleman from Tennessee, Mr. Cohen, for five minutes.

COHEN:
Thank you, Mr. Chair.

Madam Attorney General Lynch, when you appeared last time before the committee, I brought up the case of Darrius Stewart. Darrius Stewart was a young man, 19 years old who was shot to death by a Memphis police officer.

The -- he was a passenger in a car. The officer stopped the car for a headlight violation and ran a check on the passenger. Ended up getting in the backseat and the officer shot and killed him.

Our local prosecutor asked the grand jury to indict for manslaughter but the grand jury didn't, for some reason. I asked the Department of Justice to investigate and I'm grateful for that.

We are eager to know the results of your investigation. We need to know if there

are any civil rights violations. Can you please tell us when we might expect any results in that case?

I read today in the Times about the garner case. I know it's difficult but this case is one that's in Memphis with Darrius Stewart.

LYNCH:
Yes, thank you for raising this important issue. The matter is still under review so I'm not able to give you either a result or time table at this time. But, of course, we will work to keep you informed.

COHEN:
Thank you very much. Last week, we saw more disturbing video of police shooting of African Americans. And we saw police officers killed in Dallas and that was dreadful.

The other side has made a point, my friends, to say people should know that nobody is above the law and all people are treated equally. Unfortunately, what we've seen is that African Americans are not treated equally when it comes to deadly force and police officers in this country.

And that's a more chilling reality than anything else that's been brought up here, today. People's lives have been taken. This is a great problem. Black lives matter.

Congressman Lacy Clay and I put forward a bill last year, the Police Training and Independent Review Act, H.R. 2302 to address two of the major issues that have been identified as necessary to help improve the relationship of police and citizens.

The bill withhold a portion of federal funding unless police are trained on a range of important issues like racial and ethnic bias and cultural diversity. I note the DOJ recently announced it would train all its office agents to recognize implicit bias.

So I know you're aware of the need of training. Our bill would also withhold a portion of federal funding unless police shootings that result in a death or injury are investigated. And if necessary, prosecuted independently.

Asking a local prosecutor to investigate the same law enforcement agency they work with and provide them with witnesses is implicitly wrong. Like Caesar's wife (ph) an individual should be a prosecutor beyond the appearance of impropriety.

If a prosecutor does everything right, this actually can still appear biased. If we're serious about restoring the sense of trust that we need to have with our citizenry, we need to eliminate this conflict of interest.

As I know, as you've mentioned, a key part of President Obama's task force on 21st century policing calls for independent prosecutors. Campaign Zero gaining a lot of credibility also was called for the passage of this act.

Congressman Clay and I have seen a surge of support. We now have 77 cosponsors has been (ph) endorsed by it as unlikely (ph) a team maybe as the NAACP in the Chicago Tribune.

Do you think that additional training for police and the use of independent prosecutors would help reduce violence between police and civilians and help restore a sense of trust in law enforcement?

LYNCH:
Well, thank you for raising this important issue, Congressman. I think that the issue of the training that we -- at the Department of Justice provide for law enforcement, as well as the training generated in the field, is of utmost importance.

I will tell you that as I have, in fact, traveled the country on my community policing tour, highlighting departments that are working on this very issue. I've seen some outstanding examples in particular of de-escalation training, using various scenarios to start literally with the mindset of the officer and how they respond to certain situations.

I've also been extremely encouraged by seeing law enforcement comment on many of the recent incidents that have been captured on video and talk about how training would or would not relate to those specific incidents.

And I've been incredibly heartened by the growing sense of importance this issue has taken on within law enforcement itself. We have seen a number of -- as I mentioned of very, very positive programs involving training.

We've seen, as I mentioned, not just the de-escalation but also training in the issues about the definitions of excessive force, the legal standards for excessive force. I've seen programs that break that down for officers where we have seen...

(CROSSTALK)

COHEN:
My time is about to expire. So do you think training is something -- additional training would be important?

LYNCH:
It is key.

COHEN:
And would independent prosecutors be a good thing?

LYNCH:

I believe it depends upon the nature of the office that would be looking into the matter. I believe that you would need individuals who have experience in dealing with complicated cases, who have experience in dealing with forensic evidence and certainly, you'd want those offices wherever they be located, to have that kind of expertise at their hands, as well.

COHEN:
Let me close, Mr. Chairman with one other fact.

I don't know if you're aware but in Memphis, a group -- partially black lives matter -- had a protest march on Sunday. They interfered with traffic, made their demonstration on I-40 at the Hernando de Soto Bridge crossing through the river.

Our interim police Director Rawlings marched arm and arm with them. Saw to it that there was no violence, no shootings, no use of force. He showed a kind of policing we need in this country where both the protesters and all the citizenry and the police saw this man as a leader, a hero and somebody who kept the calm and the peace in Memphis, Tennessee. Thank you.

GOODLATTE:
The time of the gentleman has expired but the witness will be permitted to respond, if she chooses to do so.

LYNCH:
Just to acknowledge, indeed, the strong leadership of the Memphis police chief, which I've seen replicated in departments across the country including, particularly, in Dallas.

GOODLATTE:
The chair recognizes the gentleman from Virginia, Mr. Forbes, for five minutes.

FORBES:
Thank you, Mr. Chairman.

And Madam Attorney General, thank you for being here today and for responding to our questions. Madam Chairman -- I mean Madam Attorney General -- when Director Comey was here, he was very forthcoming and candid in answering his questions with specificity about Secretary Clinton and he did not refuse to answer any of those questions based on the fact that there was some legal prohibition that kept him from doing it.

Today, you have indicated several times that you wouldn't respond to some of those questions with specificity. Is there any legal prohibition that you have that Director Comey did not have that prohibits you from answering those questions with some

degree of specificity?

LYNCH:
Thank you for the opportunity to speak to that, Congressman. I think it's important to note that the director and I had different roles in the investigation. And therefore, very different amounts of information about this investigation.

I am speaking about the information that I received, which again, as I noted was the team recommendation. Director Comey was speaking from his position as someone who was...

(CROSSTALK)

FORBES:
I understand that you may have different information. My question though is are there any legal prohibitions on you that Director Comey did not have?

LYNCH:
Well, as I've indicated, it would not be appropriate in my role to discuss the specific facts and the law.

(CROSSTALK)

FORBES:
Is the legal prohibition against that other than the fact you just don't have the same knowledge about the case that Director Comey had?

LYNCH:
We typically actually do not provide the level of detail that Director Comey did. He chose to provide that level of information and detail...

(CROSSTALK)

FORBES:
Is there any legal prohibition or that just a choice that you make in not disclosing that information?

LYNCH:
Well, as indicated, we obviously are not allowed to discuss certain types of information, for example, grand jury information.

(CROSSTALK)

FORBES:
I know (ph) but we're not talking about grand jury information here, as we? What I want to know is tell me is there a legal reason that prohibits you from giving us information or is that a choice you have made?

LYNCH:
Congressman, as I've indicated, the director and I have very different roles in this investigation so his level of detail is significantly different from mine and I would not be able to provide you with that same level of detail.

FORBES:
Because you don't have the information, not because there's a legal prohibition?

LYNCH:
In addition to that, in part of my role as Attorney General, I would not be going into these discussions typically. We have taken the role, taken the step of providing more information on this matter...

(CROSSTALK)

FORBES:
... I just need to know if there is a legal prohibition that prohibits you from disclosing information to this committee or is that a choice you have made?

LYNCH:
It would depend upon the nature of the information. Certainly there would be...

(CROSSTALK)

FORBES:
Of the questions that you've been asked, that you've had, is there any legal prohibition that would prohibit you from giving the same information that Director Comey has given?

LYNCH:
Well, with respect to the source of that information, if it came from the Grant Jury, that would be a legal prohibition. With respect to opinions about the matter of law that's a different issue...

(CROSSTALK)

FORBES:
Let the record stand that there is no legal prohibition that can be cited here. On June 27, the Supreme Court of the United States gave your department a rather stellar rebuke in your prosecution of Governor Bob McDonnell. Having looked at that and the basis that you -- essentially your department launched everything you had against a Republican governor who everyone agreed had violated no state law.

They took a federal law and you had cited, looking at statute relevant case law and history, there was no relevant case law to suggest that setting up a meeting constituted a crime, no history, statutory history, that suggests it was a crime and yet your department put everything it had in prosecuting that governor. Having looked at what the Supreme Court has now said, do you believe that prosecution was a mistake?

LYNCH:
Certainly, I believe that the prosecutors who worked on that matter investigated it, presented it to a grand jury and received an indictment. We of course have those presented in our...

FORBES:
... But they made a choice to do that -- they made a choice which you did (ph) not (ph)...

LYNCH:
... papers before the Supreme Court have (ph) made a different argument...

(CROSSTALK)

FORBES:
... Secretary Clinton's case. It would be -- can you tell us now, looking at that and the way you interpreted that statute, was that a mistake?

LYNCH:
Congressman, with respect to the investigation of the former governor of Virginia, I don't have a comment on that. We have...

FORBES:
Not because you don't have a legal prohibition.

LYNCH:
... accepted the result of the Supreme Court...

FORBES:
But (ph) simply because you refuse to comment.

LYNCH:
... and will of course be reviewing the case in light of that.

FORBES:
My final question then as time is running out, is when you look at a governor of Virginia that you launched everything this department had against to destroy him and to prosecute him, can you tell me the federal nexus you had in that case and compare that to the federal nexus against Secretary Clinton in national security of this country, which you refused to bring to a grand jury or for indictment to see if in fact one is justified.

LYNCH:
Congressman I don't have a comment on the McDonnell case except to refer you to the pleadings in that.

(CROSSTALK)

FORBES:
Can you compare the federal nexus between the cases for us please?

LYNCH:
Congressman I don't have a comparison between those two cases for you.

FORBES:
And that's rather disappointing because national security of the country is rather important to the country. With that, Mr. Chairman I yield back.

GOODLATTE:
Chair thanks the gentleman. Recognizes gentleman from Georgia, Mr. Johnson for five minutes.

JOHNSON:
Thank you Attorney General Lynch for being here today and I think Americans see the duplicitousness of the arguments that have been made by Republicans here on this panel. First, they question you about why you did not recuse yourself from the Hillary Clinton e-mail investigation decision not to prosecute.

And then on the other hand, they criticize you for relying upon the recommendation, the unanimous recommendation of career, professional, investigators and prosecutors at both the FBI and the Department of Justice, who made the decision and then recommended to you that Hillary Clinton not be prosecuted. And they take issue with these things and then they throw in -- they bring back some 20 year old salacious accusations against former President Bill Clinton.

I think we've research a low point on this committee because we're talking about these things at the same moment that Americans are focused on the out of control gun violence in this country.

The chickens have indeed come back home to roost as a result of 20 years of NRA control of decision making about firearms here in this Congress. Absolutely no action by Congress to restrain the flow of weapons of war onto the streets of America. Weapons of war that are producing mass casualties one incident after the other with increasing regularity here in America.

Americans get it, but these -- my colleagues on the other side of the aisle don't. It's -- they're just tone death and they insist on chasing rabbits down holes by trying to make some hay out of something that is -- this is over with.

This controversy about e-mails from Hillary Clinton, there is absolutely no evidence of any criminal activity but yet as we approach the Republican convention to be held next week where the candidate that they're going to nominate has been a tremendously divisive, or divisive figure in polarizing this nation such that we can't do any work here in Congress.

And so I think the people looking at this hearing are just simply dejected -- they are -- this is really a spectacle as we get ready in Congress to leave for seven weeks of vacation. The American people don't get seven weeks of vacation and I know you don't in your job and we appreciate the job that you have done.

Can you tell me General Lynch, whether or not, with respect to the Orlando mass murder, 49 people, innocent people, killed at the hands of a deranged gunman wielding a assault weapon, can you tell us whether or not that the gunman used any encrypted messaging to prepare for his attack and have you faced any roadblocks related to accessing the gunman's social media outreach via encrypted or otherwise?

LYNCH:
Well, Congressman thank you raising those important issues and of course it was exactly one month ago today, that those 49 innocent lives were taken from us so brutally and I remember visiting Orlando and speaking with many of the victims' families and their loss is still so incredibly close and fresh and painful.

With respect to the investigation, we are proceeding, we have gotten great cooperation from all of the law enforcement agencies in central Florida who have

worked on this case from first responders through the police department still helping with the investigation.

All the federal agencies have come together. We are still reviewing a vast amount of evidence so I'm not able to provide insight into whether or not we have come across encryption at this time.

I will say that we are moving forward with the investigation. We certainly are not encountering any difficulties with the teamwork on the ground. Everyone is committed to try to determine what led this individual to take this heinous act.

GOODLATTE:
Time of the gentleman has expired. Chair recognizes gentleman from Texas, Mr. Smith for five minutes.

SMITH:
Thank you Mr. Chairman. Madam Attorney General, I think you would agree that justice needs to be impartial and the American people need to be reassured that the justice system is not rigged. And so I'd like to ask you a couple of questions about conversations you may or may not have had with Bill Clinton and Hillary Clinton. And the first is have you have any conversations with either individual about the e-mail investigation since you became Attorney General in April, 2015?

LYNCH:
Congressman I have had no conversations about the e-mail investigation with either of the Clintons since the investigation began or at any point in time.

SMITH:
And the investigation preceded your being appointed Attorney General. So you've had no conversations whatsoever on the subject?

LYNCH:
Well, the investigation -- I believe the referral may have come in right after I became Attorney General, but I've had no conversations about Mrs. Clinton's e-mail server at any point in time with either her or former President Clinton.

SMITH:
And have you had any conversation with either individual about your possibly serving in a Hillary Clinton administration?

LYNCH:
No, I've had no conversations with either individual. I've had no conversations with

former Secretary Clinton on any topic at all and in my conversation with the former president, there was no conversation on that nature at all.

SMITH:
OK, thank you.

Let me go to a different subject and this is back to the FBI investigation, though. The usual practice in such an investigation is to leave the decision on whether or not to recommend prosecution to the attorney general. Did you suggest to Director Comey, directly or indirectly, that he make the decision rather than you?

LYNCH:
Well, Congressman, with respect to the usual process, it is in fact, the way in which most cases are handled, that the team of career investigators or prosecutors make a recommendation and go forward with an action. I can also tell you that...

SMITH:
Did you lead -- did you lead anybody to think that you would prefer that Director Comey make the decision not to prosecute rather than you?

LYNCH:
I'm sorry, sir, I couldn't hear the beginning of your question. I apologize for that.

SMITH:
OK. Let me -- I'll speak more loudly.

Did you make any suggestion to Director Comey, directly or indirectly, that he should be the one to decide whether or not to prosecute rather than you, which is traditionally the case?

LYNCH:
No, sir, I made no -- I had no discussions with the director on that point, nor had I made any decision as to that point.

SMITH:
And you said you had no discussions? When I say directly or indirectly, I mean through associates or anyone else.

LYNCH:
That's correct.

SMITH:
OK.

LYNCH:
And -- what I would say, though, as I indicated before, the process that we followed in this case was, in fact, very a common process. I chose to make it more public, because I wanted to make it clear that there was no inappropriate influence on the investigation.

SMITH:
Do you agree with Director Comey that Mrs. Clinton violated the Federal Records Act?

LYNCH:
I actually don't recall Director Comey speaking on that point. I would have to go back and check, so I don't have a comment on that.

SMITH:
OK. Newspapers, several newspapers reported that he said that, Mrs. Clinton did violate the Federal Records Act. And you don't have any opinion on that?

LYNCH:
Again, I don't recall him speaking directly to that. But again, I -- he could have. I just don't recall him speaking directly to that.

And at this point, again, I think that with respect to what was reviewed in the investigation about the handling of the e-mails, we heard the basis of his recommendation, and in fact, the team came to the similar conclusion.

SMITH:
Let me ask you for your opinion. Do you feel that she violated the Federal Records Act?

LYNCH:
I don't believe -- I don't know if that was under the purview of the investigations. It's not something that -- I don't believe -- I don't know if that was under the purview the investigation at this point. As I said before, I don't recall a specific opinion on that.

SMITH:
OK. OK. Thank you very much. Thank you, Mr. Chairman, and I yield back.

CHAFFETZ:
The chair thanks the gentleman, and now recognizes the gentlewoman from California, Ms. Chu, for five minutes.

CHU:
Hello.

Yes, Attorney General, first I would like to state my great concerns regarding the DOJ's decision to force songwriters and music publishers into 100 percent licensing.

I understand this would require ASCAP and BMI to license songs for song writers that they do not represent, which poses concerns of how and if a writer will be compensated for their work.

I believe this ruling will disrupt the ecosystem that song writers operate under and hurt creativity by discouraging them to collaborate with others belonging to a different PRO in the future. This decision is also contrary to the formal opinion that was released by the Copyright Office.

I urge you to conduct an independent review of this ruling that was issued by the Anti-Trust Division. The livelihoods of thousands of song writers depend on it.

And now, I would like to address a completely different topic. Attorney General, when you testified before the Judiciary Committee last fall, I brought up the issue of Chinese-Americans who were wrongfully arrested as spies for China and their lives ruined, only to have all the charges dropped. These string of incidents have had a chilling effect in the Asian-American community where scientists, engineers, and federal employees now live in fear they may be targeted next.

During last year's hearing, two of the accused, Sherry Chen and Xiaoxing Xi, were in fact, with me in the audience. To recount one story, Dr. Xiaoxing Xi, Professor of the physics department of Temple University woke up at the break of dawn with almost a dozen FBI agents at his home. Guns were pointed at him as he was handcuffed and arrested in front of his wife, two young daughters, neighbors.

Because of allegations he was a spy for China, his name was put in the newspapers, his reputation was dragged through the mud, and he to resign from his position as chairman of the department. But then, after enduring a lengthy investigation and emotional trauma, all of the charges against him were dropped.

It turns out that the technology that the government thought was being shared with China was actually publicly available technology, not the public -- the pocket heater (ph) in question. And yet, despite having all the information at their disposal, the investigators in this case got the facts completely wrong.

Similar wrongful arrests took place with Guoqing Cao, Shuyu Li, Sherry Chen, all of

whom are American citizens.

I bring up these cases again, because they have been officially closed since we last spoke. And yet, we still have no answers.

In fact, when I met with some of your staff last week, they informed me that race, ethnicity and national origin did not play a role in either of these cases. But we still lack any evidence that this is true. That's why we and national Asian-American groups have asked repeatedly for an independent investigation with letters and meetings, and we've been doing it for a year.

So, once again, I would like to know if there any plans to open up an independent investigation to determine what went wrong in these cases?

LYNCH:
Well Congresswoman, thank you for raising both of these important issues.

With respect to the ASCAP review -- and that is a review of the ASCAP-BMI, there actually has been no ruling issued as of yet. There have been significant consultations with stakeholders, as well as the receipt of a great number of public comments on the issue raising -- many of them raising the issues that you have discussed here at the hearing. And so, I thank you for keeping those before us as well.

My understanding is that the Anti-Trust Division anticipates concluding the review, as well as those discussions, within the next few months and issuing a ruling at that time. And we will, of course, make sure that you will receive that as well -- as certainly all the members of the committee. But there has been no ruling at this time.

With respect to the other issue you've raised, with respect to those particular cases that were brought and then dismissed, race and ethnicity did not have a role in the department's prosecutions. It is something that we reject. We focus on the facts. We follow the law.

But we do continue our investigations and where we find that, in fact, our initial review may not have been accurate, it is incumbent upon us to dismiss those cases, as happened in this case.

I'm glad you were able to have the meeting with representatives from the department most recently. And I can assure you that the review that was done was of the cases that were raised to determine what lead to their initial charging and dismissal.

CHU:
I do have a follow up question that I wanted to get in.

Most recently, I hear you're implementing a new Implicit Bias Training Program for DOJ investigators and prosecutors. Can you describe this program, and will the new bias training ensure that Asian-Americans are not wrongly profiled and targeted for economic espionage? And will the content of this training be made available to the public?

LYNCH:
We are still -- we're beginning the Implicit Bias Training. It will be a requirement for all of the Department of Justice law enforcement officers and attorneys. And that is the field, as well as main Justice, those who are working on cases.

We have found in our work, with working with local law enforcement, that often Implicit Bias Training is something that is well-received and has been helpful in helping departments understand the point of view of other individuals, the perceptions of many of their actions, as well as implicit biases that people bring to their actions that may cause collateral consequences and unexpected results.

And we felt it was important that we also participate in something that we were advocating throughout the law enforcement community to make our law enforcement as strong, and efficient and fair as possible. It will be discussing -- it will not be limited to any particular ethnicity, of course, but it will certainly focus on how we handle race and ethnicity in our review of matters.

So, while it will not be limited to any one ethnicity, it will -- it will cover more broadly how we perceive the issue of anyone who may be different than us. We feel it will that this will, frankly, make our law enforcement agencies stronger, more efficient and help keep them devoted to the goals of Department of Justice.

CHU:
And will the content be made available?

CHAFFETZ:
The time has of the gentlewoman has expired. The witness will be permitted to answer the question.

LYNCH:
Thank you, Mr. Chairman.

At this point in time, I don't have the information for you. But I'm happy to have our staffs consult on that point.

Thank you.

Thank you, Mr. Chairman.

CHAFFETZ:
The Chair recognizes the gentleman from Iowa, Mr. King, for five minutes.

KING:
Thank you, Mr. Chairman. Thank you, General Lynch, for your testimony today.

I'd ask, first, in that happenstance meeting on the Tarmac in Phoenix, was there any discussion that might have implied anything with regard to the investigations of the Clintons, be it the Clinton Foundation or the investigation of the FBI into Hillary Clinton's e- mails?

LYNCH:
No, sir, there was not.

KING:
Zero implications?

LYNCH:
There was nothing about any investigations, or any specific cases or any of the other matters that you have mentioned in your question...

KING:
And when did you learn about that meeting?

LYNCH:
As I was getting ready to leave the plane, I had landed and I was getting ready disembark from the plane, I learned that the former president wanted to say, "hello," and I agreed to say "hello" to him.

KING:
Was there any staff in that meeting, or was it the two you alone?

LYNCH:
Well, my husband was with me during our conversations. There were also, I believe there were also two members of the flight crew on board the plane to whom the former president said hello.

FORBES:
OK thank you. Are you aware that Hillary Clinton has repeatedly lied to the public

about her e-mails and her e-mail servers and in public forums and say campaign speeches and interviews with the press? Are you aware of that?

LYNCH:
I have no comment on the characterization of any candidate and their statements.

FORBES:
I would point out most of the rest of America is aware of that, and including her political supporters who will continually say that they will support her even though she lied publicly.

I would point out October 9th, 2015; Barack Obama stated that Hillary Clinton did not endanger national security. The whole issue was, quote, "gemmed by Republicans."

That was he October 9th, 2015, on October 10th; he stated that Hillary Clinton was, quote, "careless but had not intentionally endangering national security." It's curious to me that that turns out to be the very word that the lack of prosecution hinges upon is intent, even though the statute doesn't require intent.

And when you -- when you see a president publicly make a statement like that, are you concerned that it might influence the decision on prosecution?

LYNCH:
Well, I've been asked about that statement, as I've clarified before, the Department of Justice had no input into it. And certainly my view has always been that the team working on this did their work independently and without any political influence.

FORBES:
For the information that has been available to you, do you believe that Hillary Clinton knowingly removed classified information?

LYNCH:
I don't have a comment on -- or a characterization.

FORBES:
I understand that...

(CROSSTALK)

FORBES:
And also, do you believe she had intent to keep unauthorized information in an

unauthorized location? And you have no comment on that?

LYNCH:
No, I refer you to my statement on the...

(CROSSTALK)

FORBES:
I understand that, now. The hinge of this thing and according to Mr. Sensenbrenner and I'll say it myself, the definition of the word gross negligence. In that, Director Comey used the term extreme carelessness and Mr. Sensenbrenner asked you to define the difference between that and gross negligence.

Do you find it ironic that the last examination of a Clinton in this room, the previous one, Bill Clinton -- excuse me, before the judiciary committee, not technically in this room -- hinged on the meaning of the word is.

Looks to me like this investigation is hinging upon the meaning of extreme carelessness versus gross negligence. do you actually see that there's a difference between the two words?

LYNCH:
Congressman, I always look to start with the statute with any -- any review that is being done on any matter by the Department of Justice. And we looked at the statute, legislative history, case law and we look at the facts as developed by an investigation and apply them to that statute.

And to that standard. And that is what the team did in this case. And that was -- I believe -- the basis for their recommendation.

FORBES:
Director Comey stated in his press conference that they didn't have evidence that the classified information or the top secret information had been hacked by a foreign actor.

But either did he state that they had not yet had any evidence that had been -- had not been hacked nor -- and he stated also it'd be unlikely that we would know if it had been.

Now, under Snowden, we have to operate as if any information he had access has -- is now in the possession of foreign hostile actors. Would you believe that's the same thing with any information that Hillary Clinton had on her private server?

We have to act as if it were in the hands of a hostile foreign actor?

LYNCH:
I don't have a comment on a characterization or comparison of Mr. Snowden and Mrs. Clinton.

FORBES:
Just answer the part about Hillary Clinton then, please, General Lynch.

LYNCH:
You had asked me...

(CROSSTALK)

FORBES:
The information that was on her server that we have to presume now it's in the hands of hostile foreign actors. Do we have to handle it as if that's the case and if so, didn't that danger -- endanger our national security?

LYNCH:
Congressman, I think that you'd have to look at the facts of the matter and determine whether or not there had been access and as the director indicated, I believe he's responded to that...

(CROSSTALK)

FORBES:
And it is a very serious matter and it's been covered up, General Lynch.

I yield back.

GOODLATTE:
The chair recognizes the gentleman from Florida, Mr. Deutch, for five minutes.

DEUTCH:
Thank you, Mr. Chairman.

And General Lynch, thank you for being here. Thank you for your thoughtful and patient responses to my colleague's questions.

In the brief time that I have today, I'd like to discuss recent reports of some disturbing and dangerous and inhumane prisoner transport conditions in this country.

Just last week, The New York Times in a big story that I (ph) put together with the Marshal Project, shed light on abuses that harmed thousands of prisoners who are loaded in the vans by private contractors on a pay per mile (ph) basis.

It's the same way we pay for shipping cargo in this country and any retailer will tell you that it pays to ship in bulk. But we're not talking about pallets of laundry detergent; we're talking about human beings.

We're talking about American citizens and no matter their crime, they deserve better than the way that these transport services are treating them. The story that ran on July 6th New York Times recounts the horrific death -- horrific deaths of several individuals, one of them Stephen Galic (ph) from south Florida.

And I'll just quote briefly from the story, "In July 2012, Stephen Galic (ph) a former owner of a home remodeling busy was living in Florida when he was arrested on an out of state warrant for failing to pay child support. Mr. Galic (ph), 46, had come to the end of a long downhill spiral, overcoming a painkiller addiction, only to struggle with crippling anxiety."

Now, he was to be driven more than 1,000 miles to Butler County, Ohio where his ex-wife and three children live, to face a judge. Like dozens of states and countless localities, Butler County outsources the long distance transport of suspects and fugitives.

He was loaded into a van run by prisoner transportation services of America, the nation's largest for-profit company extradition company. Crammed around him were 10 other people, both men and women, all handcuffed and shackled at the waist and ankles.

They sat tightly packed on seats inside a cage with no way to lie down to sleep. The air conditioning faltered at mid- 90 degree heat. Mr. Galic (ph) soon grew delusional, keeping everyone awake with a barrage of chatter and off behavior.

On the third day, General Lynch, the van stopped in Georgia and one of two guards on board gave a directive to the prisoners, only body shots, one prisoner said she heard the guard say.

The others began to stomp on Mr. Galic (ph), two prisoners said. The guards said later in depositions they had first noticed his slumped bloody body more than 70 miles later in Tennessee.

A homicide investigation lasted less than a day and the van continued its journey, the cause of death found to be undetermined. This is his ex-wife said, someone's brother, father and it's like nobody even cared.

So General Lynch, paying transport contractors on a per mile -- prisoner per mile basis incentivizes overcrowding, overheated van cargo holds, taking shortcuts on officer training, skipping stops to rest drivers and to relieve passengers.

Each investment into humane conditions and treatment of prisoners cuts into the profits of these companies. And despite a federal law that passed in 2000 known as Jana's Act (ph), these private transport companies operate with virtually no oversight.

Prisoners have died from untreated medical emergencies because officers have no medical training or just don't seem to care. Prisoners have been assaulted and raped while cramped into the back of a van just feet from the from transport officers who are responsible for their safety.

And reports show that prisoners often do not receive adequate food and water. The vans are unsanitary and prisoners do not get opportunities to use the bathroom. In addition to these poor conditions, the transport system is vulnerable to prisoner escapes.

Now, no American should be subject to this treatment. But I'd like to state clearly for the record that many of the people transported in this system have not even been convicted of any crime.

Jana's Act (ph) set out minimum standards for transport companies including guard training, the properties of restraints, CPR, navigation, defensive driving, maximum driving times, et cetera.

But in spite of these minimum standards, the companies are not being held to account. And since the passage of Jana's Act (ph), it's been reported that at least 56 prisoners have escaped for-profit transport vehicles, 16 committed new crimes while -- while on the run.

And, in what is most shocking of all, the act has been enforced by the Department of Justice one time in 16 years. One time in 16 years.

So General Lynch, I just ask, what else can be done for us to focus on an issue that was -- that we were so concerned about here in Congress 16 years ago that we passed legislation but that legislation seemingly goes unnoticed or certainly unenforced.

And I'll finish just by pointing out a quote from the chief operating officer of one of these companies who said, "Well, it's regulated by the Department of Justice but I've never seen anybody come out to actually check on us."

What can we do to address this problem that's resulting in putting the result of which is that our communities are made less safe and these prisoners are treated inhumanely?

LYNCH:
Well, Congressman, you raise an extremely important issue because of course, the treatment of all of those within the criminal justice system at every point throughout

that system has to be humane and fair regardless of their status, whether they are convicted or not.

LYNCH:
And certainly pre-trial is just as important a situation and a status, as well. I'm not familiar with the situation that you've encountered. But I am happy to review that and I would hope that our staffs could continue the discussion about this issue.

DEUTCH:
I would be grateful.

GOODLATTE:
Would the gentleman yield?

DEUTCH:
I would be happy to yield.

GOODLATTE:
I thank the gentleman for raising this issue and if the general (sic) would look into this in depth and report back to the committee in addition to Mr. Deutch we would very much require that.

LYNCH:
Thank you Mr. Chairman.

DEUTCH:
Thank you Mr. Chairman. And I yield back.

LYNCH:
Thank you Congressman.

GOODLATTE:
The Chair recognized the gentleman from Arizona, Mr. Franks, for five minutes.

FRANKS:
Thank you Mr. Chairman, and thank you Madame Attorney General, for coming today. Attorney General, you have mentioned earlier that your first consideration in any case was to start with the statute.

And I know there are a lot of questions already that have addressed this issue, but I want to read you 18USC1924, where it says, "Any federal official who quote, 'Becomes possessed of documents or materials containing classified information of the United States and knowingly removes such documents or materials without authority and with the intent to retain such documents or materials in an unauthorized location shall be fined under this title or imprisoned for not more than one year or both.'"

Now this statute doesn't require an intent to profit or to harm the United States or otherwise act in a manner disloyal to the United States. It simply requires intent to retain classified documents at an unauthorized location -- something FBI Director Comey's own comments suggest was the case with Hillary Clinton's investigation.

Can you walk us through your reasoning on your non-prosecution decision in the Clinton case based on this particular statute?

LYNCH:
Congressman, with respect to the reasoning for my recommendation as I have stated before, I had committed to and did accept the recommendations of the team working on this matter. And as I indicated in my opening statement it would not be appropriate for me as Attorney General to go into that level of analysis. I believe the FBI Director has chosen to make his recommendations and analysis public in order to afford more clarity into that.

But the team did review the relevant laws, the relevant facts, the investigation revealed. They relied solely on that, not on anything else in making that recommendation which was unanimous to me.

FRANKS:
Madame Attorney General, the FBI doesn't deal in opinion or decide if an individual be prosecuted, you do. But many members already - I can see where this is going - far more capable members of this committee have summarily failed as I just did to get you to answer the most reasonable and relevant question.

Consequently I'm going to simply capitulate to your prodigious dissimulation skills and suspend the remainder of my questions.

Instead I just want to remind all of us that in a republic like America, which is fundamentally predicated on the rule of law and the equality of us all under the rule of law, there are few things that break faith with America and the American people and undermine their trust in their government more than witnessing the highest law enforcement officer in the land blatantly ignoring the crystal clear meaning of equal protection and equal enforcement of the laws as they are written.

And Madame Attorney General I think such an abrogation of your official duties and responsibilities, not just a matter of what will be writ large in the annals of your own

legacy, is something rather that goes to the very heart of the rule of law in a republic that so many lying out in Arlington National Cemetery have died to keep.

And I hope going forward if there are other investigations into false testimony given to the Congress by Mrs. Clinton that that will be at least part of your consideration. And with that I yield back.

GOODLATTE:
Chair thanks the gentleman and recognizes the gentleman from Illinois, Mr. Gutierrez, for five minutes.

GUTIERREZ:
Welcome Attorney General. Unfortunately this morning while America sees children that go to school, elementary school children, murdered in their classrooms, we read and see young people murdered dancing on a Saturday night. We see five brave, courageous police officers murdered in Dallas, Texas. That's not important. The security of the American people and their safety in their schools and in their place of play and on their street is not important.

What's important? Let's go talk about the emails once again. And let's bring into question the integrity, independence of the U.S. Justice Department.

First they did it to the FBI Director last week and today they're doing it to you. So it's clear where they want to go. They want to talk about retaining credibility and integrity.

I want to talk about safety and regaining the trust of the American people need to have in their law enforcement - and you are the chief law enforcement officer of the nation - how it is that we bridge that gap given the series of deaths, tragic deaths, that we have seen of young, black men at the hands of police officers.

I think that's an important issue we should be talking about. I think making sure that my children can go to school, they can go to play, or they can go and protest and that yes, police officers in this nation that are brave and courageous should be able to go home too, after they've served the American people.

I want to talk about how it is that we make that safer. Instead of talking about - as they refer to her - Hillary. Not the - they didn't say the former First Lady, the former Secretary of State - Hillary. Because that's what they want to do. Minimize this.

Then they take this all the way back to Bill Clinton, 19 years ago. And they ask you about a case that they prosecuted that they lost. I would have thought I'd bring up a case that I'd won if I was going to talk to the chief law enforcement officer of the United States of America. If I wanted to have some credibility. Then they talk about that you lost the case.

Yes, against against the Virginia governor that took a $5,500 watch, $15,000 in

catering, $15,000 in Goodman and Bergen, $25,000 in - hundreds of thousands of dollars for the Governor of Virginia - why'd you bring that case?

Thank you. Because that's what we need. Because what happens in America is people don't trust the system. And they're not gonna trust the system any more today because people are saying to themselves, "God, I don't feel safe."

Having said that, I want to ask you - because I know they're all smiling over there - but let them smile at this. Kevin McCarthy, their leader that points most of them to their leadership positions, said, "Everybody thought Hillary Clinton was unbeatable, right? But we put together Benghazi Special Committee, a select committee, what are her numbers today? Her numbers are dropping." End of quote. Their leader.

And that's what they're continuing to do today instead of keeping the American people safe -- safe -- in every aspect of their lives. So I just want to say to you, Attorney General, I think it's regrettable that we have a hearing, that we have all of these issues that we confront as a nation. So I just want to say, you said, "Rather the answer must be action, peace, comparable, collaborative action."

You said, "We must find a difficult way forward in finding a path." You said, "To stand together to support one another. We will work to seek ways with local officials and residents and law enforcement officers alike."

So my question to you is - I saw a group of Chicago police officers yesterday for lunch. And nobody has been stronger about making sure that they're accountable for their actions than I have. But I got to tell you my heart went out for them yesterday.

So how are we going to bring the thousands of Chicago men and women who serve in the Chicago Police Department, brave, courageous men and women, dedicated public servants - how are we going to bring them together with the millions of American citizens that they are sworn to serve and protect, how are you and I going to work together?

I've invited you to come with me along with Robin Kelly, to come and discuss Laquan McDonald with our people so that we can make our police stronger. So that we can make the people stronger.

Will you accept that invitation to come - I don't want to talk about the elections. I want to talk about how it is I take great men and women in Chicago that serve in our police department and the millions of American citizens and have them work together? Can we do that?

LYNCH:
Thank you for raising this important issue and I thank you again for the invitation. With respect to the Chicago Police Department we find that we are of course

working on pattern and practice investigation involving them, and what I will say is that an important part of all of our pattern and practice investigations are the involvement of the officers.

We focus on things like the training they receive, and the training that they need. We focus on the omissions and lapses that we see in community connections and the bridge-building tools that they need, so they are a vital part of our efforts to provide assistance and training and to in fact strengthen that department so that those bridges of trust can begin to be rebuilt.

GUTIERREZ:
And -- because my time is up, thank you. But you know, Congressman Bass and I, we went out with the protesters when they came out last week and you know what they yelled back at us, they said do your job. I want them to know we're doing our job.

GOODLATTE:
Time for the gentleman has expired.

GUTIERREZ:
--- with us. In Chicago, Laquan McDonald deserves that, the people -- the Chicago police deserve that, the people won't you please accept our invitation so that we can engage in that dialogue and hopefully have positive impact across the nation.

GOODLATTE:
Time for gentleman has expired. Chair recognizes the gentleman from Texas, Mr. Gohmert for five minutes.

GOHMERT:
Thank you. Thank you Attorney General Lynch, appreciate your being here, I cannot let the statement of my colleague go un-rebutted to say the death of five police officers just happened and that we on this side of the aisle think that's not important is an outrage. It is simply an outrage.

I won't say that actually if my colleague had his way, that everybody would be just as disarmed around the country as they are in Chicago and in Washington, D.C. and we would be losing thousands more of precious black lives in America.

But we're here in the wake of five police officers being killed and that is a huge deal. And having spent much of my adult career working with law enforcement, it's a huge deal to me. And I know from the law enforcement officers I talk to, they want to make sure that others are not above the law.

Now, Chairman Goodlatte had asked you about the recommendation and you

talked about the briefing team and you said you saw no reason not to accept the recommendation of the team. How much time did you spend reading the recorded testimony of Hillary Clinton from that three and a half hour interview?

LYNCH:
Congressman I'm not going to go into the particulars of my briefing except to say that...

GOHMERT:
No this is just your own personal work. Did you go through in detail all of the statements she made in that three and a half hour interview?

LYNCH:
Congressman as I've indicated previously, my role that I had decided earlier was that I would be speaking and meeting with the team who had done that substantive in depth work for over a year, that had worked on this matter, that had compared the sides (ph) of the evidence ...

(CROSSTALK)

GOHMERT:
Now you've said that several times, Attorney General and I don't have enough time to have you keep repeating that four more times. But you -- when Chairman Goodlatte asked you about the statute and whether it includes the term gross negligence, you made an improper statement. You said discussion of the statute would require discussion of the facts.

That's not true, it -- you know, from my years of judging on the bench your comment that discussion of the statute would require of the facts when he asked you about an element that's contained in the statute, Attorney General that really sounds like an answer somebody would give who hadn't read the statute and was looking for a dodge to avoid talking about a statute with which they're not familiar.

You are aware, and this doesn't require any discussion of any facts whatsoever, but you are aware that in seven, 18-USC-793F, gross negligence is an element of the offense, are you not?

LYNCH:
Congressman I refer you to my statement that you've just commented on with respect to...

(CROSSTALK)

GOHMERT:
OK, well if you're not going to answer the question I'm afraid that you might be reinforcing (ph) it (ph).

(CROSSTALK)

LYNCH:
Question to me was the meaning of a phrase --

GOHMERT:
Now you said there was no basis (ph) not (ph) to accept the recommendation of our team, but you've given no indication whatsoever that you did any independent reading of the evidence of the statements. Was Hillary Clinton's statement even recorded?

LYNCH:
Congressman, I'm not going to discuss the specifics of that, I believe the FBI has provided extraordinary clarity and insight into that.

(CROSSTALK)

GOHMERT:
OK, well if you're not going to answer the question then let's move on. But I find it extraordinary that after a three and a half hour interview, so quickly a recommendation is made.

So there are inquiring minds that are very intelligent that have said, wow it almost sounds like on that plane somebody said look if you just tell Hillary to come in, we're wrapping up, but we got to be able to say that we interviewed her, it won't be recorded, so she'll be good.

It sounded like it was a check the box. You're familiar with Scooter Libby's case and Martha Stewart's case. I know it was well before you came to office, correct, you remember they were prosecuted for making a false statement when the FBI and the Justice Department couldn't make the case they started out, you remember that?

LYNCH:
One in New York and I believe one here. Here meaning DC, sir (ph)...

GOHMERT:
And so that's a pretty common instrument to be used if someone makes a statement somewhere inconsistent in what they tell the FBI. That itself becomes a matter of prosecution and I am shocked -- I thought it would be weeks before an

answer could be made, but it looks like to do a three and a half hour interview, you haven't reviewed the facts, you reviewed the team recommendation.

And I would just encourage you, Attorney General, your oath was not to follow the recommendation of some team. Your oath is your own responsibility to our constitution and those that are working under you. And my time's expired.

GOODLATTE:
The chair thanks the gentleman and recognizes the gentlewoman from California, Ms. Bass for five minutes.

BASS:
Thank you Mr. Chair. Attorney General Lynch, thank you for joining us today. My questions are going to focus on your role in addressing the serious situations faced by African American men and women currently being discussed across our nation. Cell phone cameras and now live streaming have provided a new platform to highlight issues that have been known by the African American community, and, I might add, in California, the Latino community, for decades.

In the last few weeks, we have witnessed one image after another depicting the worst and the best in police conduct. I might also add that in the last week, three young Latinos were killed at the hands of law enforcement. The best of law enforcement was demonstrated in Dallas by how they protected peaceful law -- peaceful protestors and in Englewood, California, near my district.

Then there is the worst with the most recent examples of course in Baton Rouge and St. Paul. While Mike Brown, Eric Garner are household names, Alexia Christian, Megan Hockaday and Mira Hall (ph) are unknown to the general public.

I hold in my hand, and I will ask permission to submit for the record a "Say Her Name" brief written by the African American Policy Forum. It stems from the hashtag say her name campaign, which was formed to name and give voice to black women and girls who have lost their lives at the hands of law enforcement.

This 45 page report goes through numerous examples of girls and women who have died -- African American girls and women. My question to you is, has the Department of Justice begun to carefully review cases of alleged law enforcement misconduct related to the treatment of African American women and girls?

LYNCH:
Well, thank you for raising this important issue. Certainly the treatment of women, and focusing on minority women, African American, Hispanic women, and other minority women throughout the criminal justice system, is an issue of great importance to me. Ranging from their encounters with the police throughout their time in the system.

We take of course, any death in custody seriously, any death resulting from an interaction with law enforcement seriously, and are always reviewing such matters. They are often brought to our attention either directly to the civil rights division or to our U.S. Attorney's Offices and we of course review those matters.

The other area that we're working on is working with law enforcement leaders as well as academics to ensure that we have better data on all of the encounters between civilians and law enforcement so that we can in fact have the true picture on what happens to our women and our girls, our sons, or brothers, to all individuals who encounter law enforcement.

BASS:
Let me -- let me actually interrupt you on that so I don't run out of time. In terms of a death in custody, I wanted to give you an example of a situation that happened in Los Angeles where a woman was in custody, she was in jail and she called her mother and she told her mother to meet her in court the next day. Shortly after that, she died mysteriously. It was said that she committed suicide shortly after telling her mother to meet her in court the next day.

Her mother goes to court and sits there the entire day and they never tell her mother that her daughter has died. So the question is what's the current system to notify family members about the death of a family member in custody?

LYNCH:
Well that's...

BASS:
And I have one more question for you after that.

LYNCH:
Sorry. And let me just be brief then -- that system would vary depending upon the jurisdiction whether it and -- who in fact, has jurisdiction or authority over the jail or other institution where someone is being held.

BASS:
OK, let me get my last question in. Across our country, communities have come together to speak up against the violent deaths at the hands of law enforcement. The marches actually reflect the diversity of America, and remind us all that this is not just a concern for African-Americans, but for our nation as a whole. It is interesting to me that the thousands of young white protesters that chant in solidarity "Black Lives Matter" are never acknowledged.

Black Lives Matter activists across the country are beginning to document and complain about increased surveillance and harassment by law enforcement, not during protests, but before and after as they go about their daily lives.

Are you aware of any increased surveillance of Black Lives Matter activists, and if so, why, and under what circumstances would the Department of Justice become involved in the surveillance of a group like Black Lives Matter?

LYNCH:
Congresswoman, I'm actually not aware of that issue being brought to my attention. Again, it sounds like it may be an issue in a particular jurisdiction.

BASS:
It is across several cities.

LYNCH:
Yes.

BASS:
By the way, and I can follow up with you and give you the specific information.

LYNCH:
Yes. If our staffs could speak, I would appreciate that. If we could get more information from you, I would appreciate that.

GOODLATTE:
The chair recognizes the gentleman from Ohio, Mr. Jordan. I would ask the gentleman if you would yield very briefly to the Chair? I thank the gentleman for yielding.

Attorney General Lynch, we are now half-way through the members of this committee asking questions, and your refusal to answer questions regarding one of the most important investigations of someone who seeks to serve in the highest office in this land is an abdication of your responsibility. This is a very important issue of whether or not the Justice Department is going to uphold the rule of law in this country.

And I hope that with the questions that will be forthcoming now, you will be more forthcoming with answers.

Thank you.

The gentleman is now recognized.

JORDAN:
Thank you, Mr. Chairman.

General lynch, who made the decision that no charges would be brought against Secretary Clinton?

LYNCH:
Congressman, with respect to that decision, I had determined that I would accept the recommendation of the team. I made that known...

JORDAN:
So, who ultimately -- who ultimately made that decision?

LYNCH:
I made that known, and then when the recommendation was given to me, I did accept that recommendation.

JORDAN:
So, did -- did you ultimately make that decision or did Director Comey?

LYNCH:
Well, Director Comey was part of the team.

JORDAN:
Who ultimately made the decision?

LYNCH:
So the team consisted of prosecutors and agents that did include Director Comey...

JORDAN:
I want to know where the buck stops. Who made the decision?

LYNCH:
As I indicated before, I had previously decided that I would accept their recommendation when they made it to me...

JORDAN:
Are you -- are you saying that you made the decision? Are you saying you made the decision?

LYNCH:
I had previous indicated that I would accept their recommendation.

JORDAN:
So on July 1st -- let's just run through that -- on July 1st, you said, "I'll accept the recommendations of the FBI." Mr. Comey didn't announce his decision until July 5th, and he said that he didn't talk to you beforehand.

Now, I assume it is not unusual for the attorney general to accept the recommendations of the FBI and the career prosecutors, and the team, as you have so often cited. What is unusual is to make a big, bold public announcement that you're going to do it.

It is one thing to do it, I assume it happens all the time, it is another thing to announce ahead of time you're going to do it.

So here is what I'm having trouble with and I guess a lot of people are having trouble with -- if you commit and announce that you will abide by the FBI's decision before they even finish their investigation, then how can you also say ultimately, it was your decision?

LYNCH:
Well, Congressman, as I've indicated, I accepted their recommendation. I had indicated before that...

(CROSSTALK)

JORDAN:
Was it not your decision or was it your decision? Because it seems to me you can't have it both ways. You can't say, "I'm the attorney general and I decide," but yet, I'm going to take their recommendations even before they make their recommendations.

LYNCH:
I had indicated that I would be accepting their recommendation because I wanted to make it clear that any conversation that I might have had with the former president would have no impact on the team or their review or the investigation.

JORDAN:
Ever do this before? You ever do this before?

LYNCH:

I have not had occasion to do that before, but I felt it was important in this case...

JORDAN:
You have never announced before an investigation is done that whatever they come up with -- maybe they're going to screw it up, who knows -- you have never announced before that, whatever they recommend, I'm going to follow. This has never happened before?

LYNCH:
It was important in this case to do so.

JORDAN:
So, this is the first time you've ever done that, announced beforehand, I don't care what their recommendations are, I'm going to -- by golly, I'm going to follow them.

LYNCH:
I had complete faith in the judgment and hard work of the team.

JORDAN:
I'm not questioning whether you have faith in them. I have -- I think probably a lot of people have faith in the FBI in a lot of situations. I don't know if they agree with them here, but I think they have faith a lot of times.

What I'm question is, why announce ahead of time, when you've never done it before, why announce ahead of time, I'm going to follow the recommendations, even though I don't know what they are, and still claim you are the ultimate decider?

LYNCH:
Well, as I indicated, I felt it was important to express my role in the investigation, to clarify my role, because I was concerned that the conversation I had with the former president would make people think that there could be some...

JORDAN:
So that was the trigger?

LYNCH:
That was -- in my view, was something that needed to be clarified. I felt people needed to understand my role in this.

JORDAN:
So you have never done this before?

(CROSSTALK)

JORDAN:
But when you have a conversation with the former president, the husband of the subject of an ongoing investigation, and you have that conversation before they have interviewed the subject, and before they've reach their recommendations and finished the investigations, that's what triggered you to do this thing you've never done before? Which is announce, "I don't care what they recommend, I'm going to follow it."

LYNCH:
My concern was that the conversation was that I had with President Clinton would be seen by some as having an influence over that.

I felt it was important to clarify my role...

JORDAN:
Just some, Loretta Lynch? A lot of people.

LYNCH:
... and I felt it was important to clarify that even before I had landed in phoenix, I had made a decision. I felt it was important that people hear that from me.

JORDAN:
Here's what I think -- I think your actions made it worse. I really do.

I think a lot of people already think that there are two systems, as many have talked about, one for we, the people, a different one -- entirely different one for the politically connected. Your former secretary of state, you're a former senator, you're a former first lady, you're a nominee for president, your husband meets with the -- meets with you five days before a decision is announced -- different standard for those facts. And you proved it.

You demonstrated that it's different by your actions because you said, you've never done this before, so you not only -- you changed your internal practices. You changed the fact that you've never announced beforehand that you're going to follow recommendations before you even have recommendations. You contribute -- your actions contributed to this belief that the system is rigged.

And that -- you made a bad situation worse by saying,"I'm going to do whatever they recommend, even though I don't know what the recommendations are."

I don't know anyone who would conduct themselves that way when they are the ultimate decider. But I said, I'm going to wait, I'm going to do whatever they say, and I'm going to wait to see what their recommendations -- I'm going to follow it.

You showed that this case was different, and the law is supposed to treat every single person the same. And your announcement, by definition, made this thing entirely different. And then of course, what was ultimately decided made it entirely different as well.

I yield back.

CHAFFETZ:
The chair thanks the gentleman. I recognize the gentleman from Louisiana, Mr. Richmond, for five minutes.

RICHMOND:
Thank you, Mr. Chairman.

Rome is burning, their blood -- there's blood on the streets of many American cities, and we are beating this e-mail horse to death. In our last committee meeting, I implored this committee to do something, to have a hearing, to respond to the deaths of Alton Sterling and Philando Castile. And when I said it, I said, "It's important that we act, because I am very fearful that there will be bloodshed on the streets, and that people will start to take it into their own hands."

Unfortunately, I was right. And I'm going to ask, again, that we do something to start to convene a conversation on how we protect both police and citizens.

Let me -- Attorney General Lynch, let me ask you -- how do you initiate pattern and practice investigations within your civil rights division? And has Baton Rouge Police Department undergone a pattern and practice review?

LYNCH:
Well, Congressman, thank you for raising this important issue.

The investigation into whether or not a police department presents a pattern or practice of unconstitutional behavior can come about in a number of ways. There have been times when public officials have reached out to us to raise issues of concern. There have been times when community groups or leaders have reached out to us to raise issues of concern. There have been times when specific incidents or actions or cases have themselves raised issues of concern.

And through the investigation of a particular case, we look at the police department and we may initiate an investigation. There actually had been instances when police departments have come to us and requested a technical assistance or a review. And we have started on the practice of what is often called "collaborative

reform," and we have converted that into a pattern of practice investigation (ph).

RICHMOND:
Has Baton Rouge?

LYNCH:
That's Baltimore, actually.

RICHMOND:
No, have we done that in Baton Rouge?

LYNCH:
In Baton Rouge, we are beginning the investigation -- we, meaning the Department of Justice are beginning the investigation into Mr. Sterling's death.

RICHMOND:
Right.

LYNCH:
We will, of course, be cognizant of issues of the police department that may be raised there.

RICHMOND:
Well, let me just give you some background.

September 2005, out-of-state troopers accused Baton Rouge police of harassing black people, illegal searches, and unnecessary violence in the days after Katrina. Troopers from New Mexico and Michigan, totaling seven, said that, as a thank you, Baton Rouge offered to let him beat a suspect to thank them for coming down to help, and that they were ordered to make life rough for New Orleans evacuees so that they would leave town.

March 2007, Brian Townsend (ph) was arrested for a noise complaint. Ended up being hit in the back by officer Nathan Davis (ph), causing him to defecate on himself. He was then kicked in the groin, which ended up rupturing his bladder. He was awarded $239,000. Officer Davis was fired.

July 2008, John Saunders (ph) suffered a fractured skull, brain bleeding and permanent brain damage after being beaten by Officer Lorenzo Coleman (ph) when shoulders moved towards him with fists clinched. He was awarded $350,000.

2011, Carlos Harris (ph) was ordered by Officer Christopher McGee (ph) to move a

car, despite Harris telling the officer that he was too drunk to drive. Harris (ph), while attempting to move the car, crashed into several police officers, McGee (ph) shot him dead, despite being told not to by another officer. Harris' family settled for $495,000.

Corporal Robert Moruso (ph) used excessive force on Bret Perkel (ph), 24, whose head was stomped on and whose teeth were knocked out during a drug raid in 2014. That settled for $25,000.

Officer Michael Elsburg (ph) resigned after being accused of sending a series of racist text messages, ultimately resigned, but they have not reviewed all of his cases in his arrest. And one officer can make a complete difference in the length of time and whether someone gets arrested.

So I would just ask -- formally ask -- and I can do it in writing also -- that we initiate a pattern and practice investigation on the Baton Rouge Police Department and that is for police departments that may be violating people's civil rights.

And I will not make an ultimate conclusion of whether they are or not. I will leave that to you all, but I would ask for the investigation.

And Mr. Chairman, I would ask to submit for the -- unanimous consent to submit for the record a op-ed written by Clint Smith (ph) that's titled "Police Killings Get a Lot of Attention, So Should Police Beatings."

GOODLATTE:
Without objection, that will be made part of the record and Miss Chu had asked earlier and did not get a response from me to make -- put in the record the -- say her name report. Without objection, that will be made a part of the record as well.

Chair thanks the gentleman. Would advise the members there is a vote on the floor -- one vote. There is about ten minutes remaining in that vote.

We'll go ahead and recognize the gentleman from Utah, Mr. Chaffetz, for five minutes and then we will recess to give the general an opportunity for a brief break, but will resume immediately after.

CHAFFETZ:
I thank the chairman. Madam Attorney General, thank you so much for being here. Does an individual need a security clearance to review or have access to classified material?

LYNCH:
Congressman, that issue will be dependent upon the agency for whom they worked and the nature of the work that they did. With respect to...

CHAFFETZ:
Can you give me an example where you don't need a security clearance to view classified material?

LYNCH:
No. I believe -- as I was going to say, they would, but the type of clearance varies with every agency and the agency would make that decision and determination.

CHAFFETZ:
Is it legal or illegal to share classified information with somebody who doesn't have a security clearance?

LYNCH:
Congressman, it depends on the facts of this -- of every situation. You'd have to determine how that sharing occurred, you'd have to determine the means, you'd have to determine the -- you know -- the reason, the intent. Certainly depending upon how you view the statute. It could go any number of ways.

CHAFFETZ:
So you this ink there is a scenario in which you could share classified information with somebody who doesn't have the requisite security clearance?

LYNCH:
No, I would not draw that conclusion. I would say that I'm not able to answer it as a hypothetical, but that there are a number of factors that could go into the decision and one could have any number of results.

CHAFFETZ:
Is it legal or illegal to provide access to somebody who doesn't have the requisite security clearance to view classified material?

LYNCH:
To provide access?

CHAFFETZ:
Yeah.

LYNCH:
Again, you know -- I'd need more facts on the hypothetical, but I would like at a

number of things and depending on how you reviewed it, it could go any number of ways.

CHAFFETZ:
Is it legal or illegal to store, house or retain classified information in a non-secure location?

LYNCH:
Again, I would refer you to the statute. One could, in fact, have liability. Again, depending upon the nature and facts and circumstances.

CHAFFETZ:
Do you have any examples of where it's legally acceptable to retain classified information in a non-secure location?

LYNCH:
I don't have a hypothetical answer for that.

CHAFFETZ:
Is it legal or illegal to provide false testimony under oath?

LYNCH:
There are a number of statutes that cover that. Both at the federal and state level. There are a number of ways in which that could be found.

CHAFFETZ:
You -- there's a difference between prosecuting something and whether it's legal or illegal. You know, these questions are pretty simple. And we got millions of people with security clearance. How are they supposed to go through the gyrations that you've laid out in order to make a simple determination?

LYNCH:
Congressman, if we had a specific fact situation or fact pattern, that could be reviewed...

CHAFFETZ:
I'm just asking is it...

LYNCH:
When it comes to a hypothetical situation, it would be unfair to come up with a

blanket answer to someone without reviewing all the facts of their situation.

CHAFFETZ:
I'm asking if it is legal or illegal to share classified information with somebody who doesn't have a security clearance.

LYNCH:
Again, I would refer you to the appropriate statutes. And I'd refer you to the facts of every situation. It would be unfair to give a blanket answer to every hypothetical.

CHAFFETZ:
Why aren't you -- telling all the federal employees and contractors who have access to classified information, those in our military, why aren't we telling them you can't do this, it's against the law? Why can't you say that?

LYNCH:
We give them guidance. Again, every agency does. We give them examples. We give them information as to how to make those decisions. We show them. And again, every information provides -- every agency provides that, excuse me.

CHAFFETZ:
Why -- why is the -- why is the law not sufficient guidance? You believe -- is there a flaw in the law? Is there a suggestion in the law? I mean...

LYNCH:
I don't have a comment on the state of the law. My answer is that in order...

CHAFFETZ:
Somebody asked me -- somebody asked me to consult an attorney. You are the attorney general. And I think you're sending a terrible message to the world, to those people who are trying to make some simple decisions.

The lack of clarity that you give to this body, the lack of clarity on this issue is pretty stunning. These seem like simple issues.

Let me ask you. The team that you talk about in the Secretary Clinton e-mail scandal, outside of the FBI, who was on that team that you referred to that made the recommendation?

LYNCH:
As I indicated before, they would be career prosecutors.

CHAFFETZ:
OK, so they're prosecutors. Anybody else on the team that was participant in the investigation?

LYNCH:
Not to my knowledge. I'm not sure if you're referring to anybody else? Can you give me some further context for that?

CHAFFETZ:
I don't know -- like if they go back and do security clearances, determine classification, whether it's secure or non- secure. I would think that there'd be somebody outside of the FBI that would help you make those determinations.

LYNCH:
Well, the Department of Justice team would be Department of Justice employees, with respect to...

CHAFFETZ:
I'm trying to ask specific to which departments within the department -- I mean, Department of Justice is a large organization, right? FBI is part of that, prosecutors are part of it. Who, above and beyond prosecutors and the FBI, was involved in this -- this -- in this investigation?

LYNCH:
As I've indicated before, the DOJ team was composed of the career lawyers and seasoned agents in there. I'm not -- I'm not sure if you're asking about something outside of the DOJ...

CHAFFETZ:
I didn't know if there was another unit or other people that were part of it. That was my question. My time has expired. I wish I had about 20 more minutes. Thanks.

Mr. Chairman, yield back.

GOODLATTE:
The chair thanks the gentleman.

The committee will stand in recess for approximately 15 minutes.

(RECESS)

GOODLATTE:
The committee will reconvene. When the committee recessed, we were questioning General Lynch under the five-minute rule. And the chair now recognizes the gentlewoman from Washington state, Ms. DelBene.

DELBENE:
Thank you, Mr. Chair.

And Madam Attorney General, thank you so much for being with us today, and for all of your time.

Over the past several years, I've come to know a young man, a DREAMer in my district. His name is Andreas (ph). And he's a truly impressive young man. He's a bright student, a volunteer in his community, and really an eloquent advocate for individuals across the country with stories just like his.

Someone like Andreas (ph) knows no other home. His home is Washington state. And in my view, we should be supporting DREAMers like Andreas (ph), not deporting them.

I wanted your feedback on what you think the Supreme Court's four-four ruling means legally for people like Andreas (ph).

LYNCH:
Thank you, Congresswoman.

Well, certainly with respect to the court's four-four ruling, essentially refers to the most recent executive actions taken by the president. So if someone in young Mr. Andreas's (ph) position were...

(CROSSTALK)

DELBENE:
He missed the original DACA by 26 days.

LYNCH:
He was not in the original DACA, yes. Well, that program has been enjoined at the state and federal level in Texas and the 5th Circuit. That injunction remains in effect, which means that the program is not currently being implemented.

DELBENE:
And so if the ruling remains in place, what does that mean for the Department of Justice? And in particular, would you view this as essentially taking away the

prosecutorial discretion that you would have in any other context?

LYNCH:
Well, certainly with respect to prosecutorial discretion, we will still exercise our discretion in terms of what cases we prosecute and how we prosecute them. At the border, we will still continue to focus on individuals who pose a threat to society and raise issues of violent crime, particularly those who have criminal records. We'll continue to focus on those individuals who have more recently come across the border. We will continue to make public safety the watch-word as it always has been of our enforcement actions.

And of course, I'm sure the Department of Homeland Security will be looking at the ruling as well.

DELBENE:
So to back up a bit, what do you think the role of prosecutorial discretion is in a general sense? And do you exercise prosecutorial discretion in other contexts outside of immigration?

LYNCH:
Oh, we exercise prosecutorial discretion in every context because of resource issues, for the most part, as well as the different priorities presented by the challenges of a law enforcement environment. We, of course, are focusing great attention on matters like violent crime in the heroin-opioid issue today, and trying to make sure that we have sufficient resources to cover those important issues.

Immigration cases are a large part of our docket. We try to make sure that we handle them thoroughly, efficiently, but fairly as well. And we also try and make sure that we protect individuals who live in immigrant communities who still have a need to come forward to law enforcement.

DELBENE:
So why do you think this particular case is so controversial given that you used this discretion in other ways?

LYNCH:
I can't speak to the points others chose to make about the decisions and the policies that are set forth. I leave that to them to characterize their views and why it's important. But certainly from a prosecutorial perspective, managing resources is an important part of what we do. Determining the people who should be our priority targets for prosecution is something that we do on a routine basis. And we take a number of things into account for that. We look at -- as I indicated before, the type

of threat posed by individuals or certain groups of individuals. We look at the amount of law enforcement resources that we have to handle a situation and our ability to augment those resources or whether they are being diminished over time. So a number of things go into that calculation.

DELBENE:
Will indiscriminately deporting immigrants make us safer?

LYNCH:
Well, certainly I don't have a comment on the policy there. I think that for -- from a prosecutorial discretion point of view, we do focus on individuals who pose danger to the community. That is our focus, is the protection of the American people. So individuals who have a violent background, a violent history. Who have engaged in violence. Those are the individuals that we would look at and find a way to remove them from the community either by prosecution. There could be deportation, again we work with the Department of Homeland Security on that issue since they handle deportations per se. And so we would look again at trying to make the community as safe as possible.

DELBENE:
Thank you so much. I yield back Mr. Chair.

GOODLATTE:
The Chair thanks the gentlewoman, and recognized the gentlemen from South Carolina Mr. Gowdy for five minutes.

GOWDY:
Thank you Mr. Chairman. Madam Attorney General, the central issue to me is this perception of frankly rooted in some realities of a dual track or two tiered justice system. And I know that you have dedicated your career to the pursuit of justice. I know you work for a blindfolded woman whose holding nothing but a set of scales. And I think it's important that she's blindfolded because she shouldn't see the race, the gender, the social economic status, the fame or lack of fame of the person in front of her. And I'm sure you've experienced it like some of the rest of us. It's not just the suspect or the target or the defendant. The witnesses have to have confidence in the justice system, the jurors have to have confidence in the justice system, the public has to have confidence in the justice system. So this duel track, different set of rules for certain people than for others, it frankly should not matter whether you are running for president or running late to a kid's ballgame. The same rules oughta apply to everyone. So let me ask you this, why do you think it's important to use official e-mail to conduct official business?

LYNCH:
I believe that it's important to do that. I think that certainly every department has chosen to craft the way in which they carry out their business and it provides for a way of doing business in a secure system.

GOWDY:
So you use official e-mail to conduct official business?

LYNCH:
Yes sir, I do.

GOWDY:
OK, and do you ever e-mail, send or receive classified information on personal e-mail?

LYNCH:
I do not.

GOWDY:
I doubt you even use your USDOJ.gov account to send classified information. Do you?

LYNCH:
We have separate systems. There would be a separate...

GOWDY:
Classified systems...

LYNCH:
For that.

GOWDY:
Right, so not only do you not use personal e-mail to do it. You don't even use your USDOJ.gov. You have a separate dedicated system to handle classified information. Why?

LYNCH:
We have a separate system to handle the security needs.

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GOWDY:
But my question is why, why is it important enough to you to not use personal e-mail to conduct public business and to use a separate more safely guarded system when you do handle classified information?

LYNCH:
That is the practice that I have certainly always followed.

GOWDY:
But it's just your -- I mean it's not just a personal preference is it?

LYNCH:
It allows for the protection of the information, both on a regular system, because again that is still sensitive law enforcement types of matters. And then a classified system for separately classified information.

GOWDY:
What element do you think was lacking in the statutes that you evaluated as it relates to Secretary Clinton.

LYNCH:
So let me again, as I've indicated before and I want to make it clear that, as I indicated before. The reason why I will not be going into the analysis that was provided and the discussion that we had between myself and the team is because we protect our teams and that they have to be free to provide information and analysis in a confidential way without the fear or impact of there being a political influence on that.

GOWDY:
I understand that.

LYNCH:
That is why I have not gone into that type of discussion. What I can tell you is that the team did evaluate the relevant statutes that were considered in this investigation. They looked at all of the facts and evidence. And as in every case they applied them to that statute to determine whether the elements had been met.

GOWDY:
But my specific question to you Madam Attorney General is what element of which offense did you find lacking from an evidentiary standpoint?

LYNCH:
Well, I would say that in order to answer that I would have to go into the entire level of analysis...

GOWDY:
Don't you think public perception in a single track justice system is important enough that you can at least touch on what you thought was lacking?

LYNCH:
Congressman, in this case we have taken the unusual step of discussing it in ways that the department typically does not, in order to provide more clarity into this situation. And while I understand that it is frustrating to a number of people, civilians as well as members of this body alike, we have taken extraordinary steps to discuss this matter in ways that typically we do not. Particularly when charges are not brought. And as I indicated before, just so it's clear, my reasons for not going into the substance of the information that I receive and review before I made my decision to accept the recommendation are that the teams that I work with, whether it's this case or any other, be free to provide confidential analysis, discussion without the input of any kind of...

GOWDY:
With all due respect Madam Attorney General, you can do all of what you just described and still tell the people what element. I mean the elements of a criminal offense are public, so there's no secret there. And for you to go through the elements and say, as Director Comey did -- he said there was no specific intent.

I'm out of time but I suspect you have prosecuted reckless homicide cases, haven't you?

LYNCH:
In the context of violent crime.

GOWDY:
How about involuntary manslaughter?

LYNCH:
For the department or personally?

GOWDY:
No just as a prosecutor. There's involuntary manslaughter, there's reckless homicide, there's felony DUI where you really didn't mean to hurt anybody, you

really didn't but you did. And this lack of specific intent is not a defense in any of those cases.

So I think the public would like to know how you determined she did not have the intent to break the law, and why you are applying a specific intent requirement here when you don't even do it in certain homicide cases.

LYNCH:
Well, Congressman, as I've said -- I think you've mentioned a number of state cases there, but as I've said the reason why I am not going into the discussion I had and providing that particular level of information, although the FBI director did chose to do so, is that the information the team provides to me on this or any other case has to be given in a zone of confidentiality so that they can be clear and sure that there's never a political overtone to their decisions, nor will I apply one in accepting their decisions. That's why we have taken the unusual steps of providing great information. As frustrating as that has been for a number of people, to have additional information. That's why I took the unusual step of clarifying my role in this investigation.

GOWDY:
I'm out of time, the only thing I find frustrating is that even after this and Director Comey, people still believe that if you are famous there's a different set of rules than if people don't know your name. And I think you're missing a wonderful opportunity to say with specificity which evidentiary element you found lacking. So Congress can go fix statute if you think we need to. But right now we have no idea whether or not a President Lynch, could do exactly what Secretary Clinton or whether President Clinton could do exactly what Secretary Clinton did. I think that lack of clarity is bad for the republic, quite frankly.

I would yield back.

GOODLATTE:
The chair thanks the gentleman.

Recognizes the gentleman from Rhode Island, Mr. Cicilline, for five minutes.

CICILLINE:
Thank you, Madam Attorney General, for being here and for your time.

We are living in very difficult times where we see violence and guns continuing to plague our communities and building communities of trust and respect are critical. And reducing the ability of dangerous individuals to easily access guns is part of the answer.

What I really want to focus my inquiries on is the first part of that effort. And I was -- before coming becoming the commerce mayor of Providence, and my former chief used to say the most powerful weapon in the police department in fighting crime and keeping communities safe is the trust and competence of the people they serve.

I've had the unfortunate occasion to both comfort families who lost a loved one to gun violence; mothers and fathers and siblings, and well as to in August -- in April of 2005 to lost a police officer to a shooting inside the Providence police station. Detective Jimmy Allen, which was a very painful experience for the City and for the department.

Both of those example are horrible and painful events not capable of easy answers or quick fixes, but one thing that I found as mayor of the city is when I took over, we had a police department that was under investigation by the Department of Justice for a patterns and practice civil rights issues. And crime was on the increase and the community had really lost confidence in the department.

And as a result of implementing a city-wide community policing model, we really rebuilt the confidence of the community, the department became accredited; remarkable turnaround, and we produced the lowest crime rate in 40 years. So it was an example of really investing and building relationships between the policing community, which made police officers safer and made the community safer.

And so what I really want to ask you about is what the Department of Justice or Congress can do to help that kind of thing happen in other cities around the country. There was a 2007 national survey of police leaders, and they identified insufficient resources and the support of front line offices as the two major obstacles to implementing community policing models affectively.

And I love your thoughts on what we can do as a Congress, what DOJ is doing to help close these gaps with local and state law enforcement agencies.

LYNCH:
Well, thank you for raising this important issue, Congressman. One that has become central to me tenure as Attorney General. And I've had the privilege also of travelling to different communities much like yours, Providence, that had a pattern and practice, and yet residents and police officers together determined that they would rebuild to a positive relationship.

So as you note, it can be done, it has been done, and I have seen it done. With respect to what the Department of Justice is doing, we are supporting the work of community policing around the country through our community oriented policing service that provides technical assistance to police departments upon their request.

One of the things that we try and do is match up police departments facing specific issues, crowd control for example. A question about whether their excessive force

policy really is sufficient.

We try and pear them with police departments that have dealt with those issues and, in fact, come to a positive working relationship so that they can have a peer to peer connection, because there is a lot -- there's a tremendous amount of positive police work being done in this country, and we need to spread that as well.

We're also supporting through cop's grants local municipalities, hiring additional officers and retaining those officers. Through supporting the recommendations of the President's task force on twenty-first century policing, we're supporting a number of pillars, particular officer safety and wellness. And I've been privileged to watch some outstanding training, focusing on, instilling in officers from the beginning of their time on duty that, when they are encountering someone on the worse day of that civilian's life, they themselves need as much support and training as possible.

The issue of resources is one that is raised with me a great deal. With respect to officers and departments who want to set up wellness programs, who want to have a dedicated community policing officer who want to expand their school of resource officer program. And yet their municipalities are struggling to provide the resources.

We try and help, of course, assistance with that is always welcome; I'm happy to have our staff speak about ways in which we can work together on that.

CICILLINE:
Great.

And just quickly, in connection with that, there was a 2006 Department of Justice report that found police academies spend an average of 110 hours training their recruits on firearm skills and self defense, but only eight hours on conflict management and mediation. And I'm wondering whether or not you think that's a sensible allocation and what can be done, really, do give a more balanced approach in the training because that's obviously part of it, and I'm hoping that out of this difficult time that we are experiencing because of the tragedy in Dallas and the other shootings we're seeing around our country that we can come together and respond to some of this.

I'd love your thoughts on that.

LYNCH:
Thank you.

GOODLATTE:
The time of the gentlemen has expired, but the witness will be permitted to answer the question.

LYNCH:
I believe that police departments around the country are looking at exactly that issue and trying to ensure that they have ongoing training in mediation, conflict resolution, most importantly, de-escalation at the police academy and also throughout the life of the sworn officers.

I've been privileged to actually see some of the training given to on-duty officers as part of their continuing education.

CICILLINE:
Thank you, Madam Attorney General.

I yield back.

GOODLATTE:
The chair would advise the members that there is another adjournment vote on the floor. Motion to adjourn.

The gentlemen from Idaho is recognized for five minutes and then the committee will stand a recess to take that vote.

LABRADOR:
Thank you.

Madam Attorney General, thank you for being here and thank you for your service to this nation.

I happen to disagree with Director Comey's conclusion, but I have a great deal of respect for him. I have seen him to be nothing but an honorable man and reasonable -- minds can disagree.

So I just have some questions that are similar to what has been asked before, but a little bit different. Director Comey said repeatedly that Secretary Clinton and her colleagues were, quote, extremely careless in their handling of vary sensitive, highly classified information. Do you agree with this assessment?

LYNCH:
I don't have a characterization of their actions. Typically we do not characterize the actions of individuals; that was Director Comey's assessment of that. And my review...

LABRADOR:
So you don't accept his assessment, but you only accept his recommendation to

not charge?

LYNCH:
As I said before, I did not come to a characterization or a description as he did of individual behavior. My discussion was focused on the investigation, what it revealed, and how it applied to the legal standards.

LABRADOR:
So Secretary Clinton had a security clearance while she was serving at the State Department. Correct?

LYNCH:
As far as I know, that is correct.

LABRADOR:
If any other federal employee with a security clearance is extremely careless with classified information, in your opinion, what would happen to that person's clearance?

LYNCH:
I believe the matter would be reviewed and investigated and the appropriate actions would be taken.

LABRADOR:
And in fact, Director Comey suggested if Secretary Clinton were anyone else, the facts uncovered in the FBI investigation could have cost her that security clearance. Is that correct?

LYNCH:
I don't want to characterize the Director's statements or testimony. I'd have to ...

LABRADOR:
But anybody else who would have been extremely careless with their security information, they would have lost their security clearance. Correct?

LYNCH:
I think the matter would have to be reviewed and handled according to the rules of the relevant agency.

LABRADOR:

In your experience as a federal prosecutor, if any other American with a security clearance had acted extremely carelessly with classified information, what would DOJ's position be on prosecuting that person?

LYNCH:
Well, with respect to whether or not a prosecution would ensue, the issue would be the same as here, whether or not the evidence rose to the legal standard of all the statues that were considered. It will be the same consideration.

LABRADOR:
But you would seriously look at that, correct?

LYNCH:
It will be the same consideration that was done here. But it would have to, again, reflect all of the relevant facts and not just a characterization of that. And again, I did not make a characterization conclusion about that.

LABRADOR:
But if your characterization would have been that somebody acted extremely carelessly, what if that individual transacted business on Gmail?

LYNCH:
As I said before, I don't have a characterization or a description.

LABRADOR:
I'm not asking for your characterization...

LYNCH:
And that -- my only point, sir...

LABRADOR:
I'm saying if you would have found just a regular person working at DOJ extremely carelessly handling classified information on Gmail.

LYNCH:
My only point, sir, is that the legal standard would have to be met. And you have to look at the relevant statutes regarding that person's information and how it was transmitted.

LABRADOR:

So was Director Comey correct...

LYNCH:
And the characterization or description... LABRADOR: You've said that.

LYNCH:
... does not go to that.

LABRADOR:
Was Director Comey correct in stating that the range of punishment is from reprimanded to termination to a possible criminal prosecution when someone is found to have mishandled classified information?

LYNCH:
Certainly if he was speaking about the steps that the FBI would possibly would take, I would certainly reflect -- I believe he would be reflecting his agency's own understanding of that.

LABRADOR:
Has the Department ever reprimanded, terminated, or prosecuted an employee for mishandling classified information?

LYNCH:
I'm not at liberty to go into that. We don't discuss individual matters here.

LABRADOR:
So you have -- this will be a public record if you have prosecuted somebody.

LYNCH:
It would be a public record. I don't have that information now for you.

LABRADOR:
And you have not reprimanded or terminated anybody who has mishandled classified information?

LYNCH:
I don't know the answer to that information. I'm happy to have our staff speak and provide you whatever information we can, consistent with DOJ policy and the law.

LABRADOR:
So if a low-level DOJ attorney or FBI agent was reprimanded for carelessness with classified information, would that person have any chance of being promoted or otherwise advancing in their career?

LYNCH:
You know, Congressman, I can't speak to a hypothetical. I also, again, would urge caution with using a characterization or description instead of an equal analysis...

(CROSSTALK)

LABRADOR:
I'm sorry. I'm actually confused by your statement.

You want us to respect this conclusion, which I do, even though I disagree with it, but you don't want us to respect his words, or to actually take any kind of statement that he made at face value, is that what you're saying?

LYNCH:
My answer is that, as I said before, a characterization or description is not the issue; it's -- was a relevant legal standard reached. In every case, you would look at the relevant legal statute and you would see if the determination had been made that, in fact, those elements had been met.

LABRADOR:
You can't even tell us if one of your employees carelessly used information whether you would advance them in their career or not.

LYNCH:
We look at every case, in all these situations, all the facts and all the issues, we apply the rules and we come to a decision and determination there, consistent with the rules of our organization. As I believe, any other organization would.

LABRADOR:
I yield back my time.

GOODLATTE:
The committee will stand in recess until the completion of this vote in about 15 minutes.

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(RECESS)

GOODLATTE:
The Committee will reconvene. When we recessed we were questioning General Lynch under the five minute rule. The Chair now recognizes the gentleman from New York, Mr. Jeffries, for five minutes.

JEFFRIES:
Thank you Mr. Chairman. I want to thank the Attorney General for your presence here today for your leadership in this country.

And let me first just associate myself with the remarks that have been made by others with respect to expressing concern about the apparent willingness of the Anti-Trust Division of the Department of Justice to move from a model of fractional licensing to 100 percent licensing in the context of the ASCAP and BMI consent decrees. I think songwriters and the pubs and communities already under siege and this will just exacerbate the problem.

I have great respect for my colleagues on the other side of the aisle but we are in the midst of a gun violence epidemic here in America.

Five police officers were killed in Dallas, Texas. Forty-nine members of the LGBT community were gunned down in Orlando. Fourteen Americans were killed at a holiday party in San Bernardino. Nine individuals, God-fearing folks, were killed at a church in Charleston, South Carolina. Twenty children were killed at a school in Newtown, Connecticut.

We have mass shooting after mass shooting after mass shooting and yet this hearing has been about email. Not the gun violence epidemic. Not the explosion of mass shootings. Not the tense relationship between the police and communities of color. It's been about email.

This is not a legitimate oversight hearing with the Attorney General of the United States of America, designed to try to find a public policy solutions to the problems of the American people. It's a fishing expedition. It's a reckless legislative joyride designed to crash and burn. It's a sham. And the American people, in the midst of an incredible gun violence epidemic throughout the country deserve better.

Let me ask a few questions about the relationship between the police and the community in the little time that I have remaining in the context of the Eric Garner case.

You testified earlier today that it was important to try to strengthen the relationship between the police and the community. Increase trust is that correct?

LYNCH:

Absolutely.

JEFFRIES:
And would you agree that one of the problems that we have in America is the fact that there are many people who believe that when police officers, the majority of whom are hardworking public servants who are there to protect and serve, but when some police officers use excessive force, resulting in the death, often of an African-American male, sometimes unarmed, that that officer's rarely held accountable by the criminal justice system.

Is that a legitimate concern that people throughout America have?

LYNCH:
People have expressed that to me throughout my travels as a concern that they have.

JEFFRIES:
About two years ago Eric Garner was killed as a result of a choke hold deployed against him by Officer Pantaleo in Staten Island. Is that correct?

LYNCH:
I'm not able to give you the conclusion on that. Certainly it's a matter that's under investigation.

JEFFRIES:
But he was killed. That's clear to everyone. I'm not saying it was a homicide, justifiable. Mr. Garner was killed, is that right?

LYNCH:
Yes, approximately two years ago.

JEFFRIES:
OK. And you opened up an investigation I believe in December of 2014 or December of 2015 perhaps. December of 2014 in connection with the death of Mr. Garner, is that right? The Department of Justice.

LYNCH:
Late 2014.

JEFFRIES:

Late 2014. And so that investigation is still ongoing, is that right?

LYNCH:
Yes it is.

JEFFRIES:
In order to - what is the standard by which the Department of Justice will consider a civil rights action is merited?

LYNCH:
In terms of a referral or an ultimate conclusion?

JEFFRIES:
Ultimate conclusion.

LYNCH:
Ultimate conclusion we, as in every case, we look at the law and we look at the facts and determine if we are able to meet all of the elements of the relevant statutes.

JEFFRIES:
And what's the relevant statute in this case?

LYNCH:
One statute I can tell you that is often considered in cases is 18USC242, which would essentially criminalize the use of excessive force by a law enforcement officer.

JEFFRIES:
And is the fact that Mr. Garner said, on 11 different occasions, "I can't breathe," 11 different times, Officer Pantaleo failed to respond - is that a relevant consideration in terms of intentionality in this case?

LYNCH:
I can tell you that all the facts are being considered by the team.

JEFFRIES:
And is the fact that the choke hold had been outlawed by the NYPD for the previous 20 years yet it was deployed in this instance - is that a relevant consideration in terms of intentionality in this case?

LYNCH:
I can tell you that in NYPD procedures and training would be part of what's considered in the case but I'm not able to go further into the merits or substance of that.

JEFFRIES:
And lastly is the fact that Eric Garner was unarmed and was essentially being accosted for the sale of loose cigarettes - is that a relevant consideration in the universe of facts that the Department of Justice is considering?

LYNCH:
I can tell you that everything is under consideration in the review.

JEFFRIES:
Thank you. I yield back.

GOODLATTE:
Chair thanks the gentleman and recognized gentleman from Texas, Mr. Farenthold.

FARENTHOLD:
Thank you Mr. Chairman. First off I'd like to respectfully disagree with one of the comments the gentleman from New York just made. This line of questioning isn't about email, it's about national security. And to borrow Director Comey's words, "Someone in the top level of our government being extremely careless with classified information."

The other day my colleague from Texas, Will Hurd, a former CIA agent, made the point that mishandling classified information has real repercussions to our men and women who are working in the intelligence field and actually potentially puts their life in jeopardy.

That being said, General Lynch, are federal employees generally prohibited from removing classified materials from secure area network and placing it on open or unclassified networks?

LYNCH:
Congressman, generally speaking, the issue that you're talking about ...

FARENTHOLD:
Yes or no?

LYNCH:
... be covered by statute and regulation.

FARENTHOLD:
But they're not allowed to do that.

LYNCH:
And it would prohibit the behavior that you're talking about.

FARENTHOLD:
All right. And are people allowed to retain classified documents in an unclassified environment?

LYNCH:
Generally, no.

FARENTHOLD:
All right. So let me ask you a question - I'm gonna get back to Ms. Clinton for a second. How did this information wind up on her server?

I doubt Mrs. Clinton was technically savvy enough to copy it to a thumb drive and move it from one to the other, didn't have the patience to retype it - so obviously some other people took it off a classified network and sent it to her. Do you think those people should be prosecuted?

LYNCH:
Congressman, with respect to any of the individuals considered in the investigation, as I indicated I won't be going into the discussions about them, and as I indicated earlier, I know that this is a frustrating exercise for you, it is --

FARENTHOLD:
It is and it's pretty clear you're not going to answer my questions --

(CROSSTALK)

LYNCH:
-- because we asked the team to provide information in a --

(CROSSTALK)

LYNCH:
-- (inaudible) manner, so that it can be reviewed without they're being influenced by any political overtones.

(CROSSTALK)

FARENTHOLD:
Well, I have a -- it's pretty clear you're not going to answer any of my questions, so. You were appointed by the president who called himself I think wanted to create the most transparent administration ever.

So we're going to quit asking Congressmen questions. I'm going to ask some questions that American people have posted on my Facebook page. Both Mark from Portland, a retired coast guard person in Georgia, also a U.S. Army vet, want to know under oath what you discussed on the plane with President Clinton.

LYNCH:
Well, what I can tell you is exactly what we discussed was as I've indicated earlier when the president indicated he wanted to say hello. I said he could say hello. He came on board; spoke to myself, my husband.

There were two flight crew members on the plane. He spoke with them, briefly. Mr. -- the former president then spoke at length about his grandchildren.

FARENTHOLD:
Y'all didn't speak at all about anything pending -- any pending investigations or Mrs. Clinton's problems with the e-mail or the Clinton Foundation or anything like -- none of that was discussed?

LYNCH:
If I can continue with what was discussed...

FARENTHOLD:
I'm just asking for you to discuss something that might be relevant --

(CROSSTALK)

LYNCH:
We did not discuss anything about a case or matter before the Department of Justice. We did not discuss Mrs. Clinton in any way. He spoke about his grandchildren at length. He spoke about his travels...

(CROSSTALK)

FARENTHOLD:
OK I apologize for interrupting you --

LYNCH:
-- what he's (ph) done in Phoenix.

FARENTHOLD:
I only have five minutes and you have been very good at burning up the time and stone walling. And I do wanna get to some questions.

So have you ever met with anybody else on your plane on the tarmac?

LYNCH:
I have not had occasion to meet with anyone in my plane. I have been traveling at the airport and public individuals have asked to come in and say hello. And I've said hello...

(CROSSTALK)

FARENTHOLD:
OK and have you had any other meetings of more than a couple of minutes off the books with Mrs. Clinton, President Clinton or their close associates, Sidney Blumenthal and the like?

LYNCH:
I've never had any other conversations with either former president Clinton or Mrs. Clinton before this except to say hello or as in a photo line --

(CROSSTALK)

FARENTHOLD:
All right. So let me get back to the questions --

LYNCH:
-- and the other individual you mentioned also no.

FARENTHOLD:
All right so getting back to some of the Facebook questions. Martin from Corpus Christi also retired coasty would like to know if a military person handled classified

information the way Mrs. Clinton does, would -- would he probably have been prosecuted or she possibly been prosecuted?

LYNCH:
So it's -- that I think we have to look at this from the situation of if the exact same facts were presented and the exact same laws considered, the same conclusion would be come to. That is what both Director Comey has indicated.

I certainly have no reason to view it differently. Every case is viewed differently. But again, if you have the facts as they were presented here and review here, applied to the laws reviewed here and analyzed here, that would be the conclusion.

FARENTHOLD:
I have one more question to get before I get out of time. This is Stuart, a friend of mine from Luling, Texas. And we've seen several attorney generals that have been either been asked to resign or resigned on their own when -- and I've used the term loosely -- scandals have come up.

And I think people have been using that word with respect to this and have suggested you should've recused themselves on this. Should the president replace an attorney general if the attorney general does not enforce the law evenly? Or should there be separate enforcement for different classes? And that's Stuart from Luling.

GOODLATTE:
The time of the gentleman has expired but the general is allowed to answer the question.

LYNCH:
Thank you, Mr. Chairman.

Congressman, there's no separate method of enforcement for anyone here. And as I said before, while I understand the frustration of people who disagree with the decision, I will say that it is similar to the frustration I have encountered when I as a prosecutor or others who are prosecutors have to explain to someone why charges are not being brought if their family members involved and the like.

And so I understand the emotion that things generate. I understand the frustration that it generates. But it is something that we take very seriously. And as I said before, we follow the law. We follow the facts in every single case.

FARENTHOLD:
Thank you. I see my time has expired.

GOODLATTE:
Chair thanks the gentleman.

Recognize the gentleman from Florida, Mr. Desantis, for five minutes.

DESANTIS:
General Lynch, the team that recommended not to prosecute Secretary Clinton, did that include the Deputy Attorney General?

LYNCH:
Yes, Congressman the day to day...

(CROSSTALK)

DESANTIS:
Did it include the Associate Attorney General?

LYNCH:
The day to day team that reviewed the matter did not, although the matter was reviewed...

(CROSSTALK)

DESANTIS:
Not the Office of Legal Counsel or Office of Legal Policy?

LYNCH:
I just wanna conclude with the U.S. about the Deputy Attorney General and I wanted to provide that information.

DESANTIS:
It was not, though, on the day to day; so what I'm just trying to get through to people because I have limited time. So he was not, correct?

LYNCH:
She was part of the chain of review but she was not on day to day team.

DESANTIS:
OK what about the head of the National Security Division?

LYNCH:
The NSD was -- was the component that was leading this and so the head of the NSD or the National Security Division would have been in the chain of review.

DESANTIS:
What about the head of the criminal division?

LYNCH:
No, I will tell you that the team was led by NSD.

DESANTIS:
OK.

LYNCH:
And therefore its head. You asked about the Deputy Attorney General, that's Sally Yates. She was in the chain of review but not the day to day team.

And the FBI director, I don't know the intermediate level supervisors there who would have been involved.

DESANTIS:
OK Director Comey said that the Department of Justice has grave concerns about whether it's appropriate to prosecute somebody under a gross negligence standard.

Do you -- as the Attorney General -- have grave concerns about prosecuting? Forget about this case, anybody under a gross negligence standard?

LYNCH:
Our concerns are always whether or not we have the facts to support the charge.

DESANTIS:
I'm not asking about the facts.

LYNCH:
That is a concern of the case.

(CROSSTALK)

DESANTIS:
Assume you have the facts; forget about this case. Do you have grave concerns about bringing a prosecution under gross negligence?

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LYNCH:
Yeah, I would have to have the factual record before me.

(CROSSTALK)

DESANTIS:
Did any of the people who were on the team that advised you, did they tell Director Comey that they had grave concerns about bringing a case under a gross negligence standard?

LYNCH:
Congressman, I wasn't privy to those conversations.

(CROSSTALK)

DESANTIS:
You guys prosecuted environmental crimes under a negligence standard, correct?

LYNCH:
We do prosecute...

(CROSSTALK)

DESANTIS:
Those are constitutional prosecutions, right?

LYNCH:
We do prosecute a number of upon (ph) across different standards...

(CROSSTALK)

DESANTIS:
States across the country prosecute under for homicide, you can have negligent homicide. And so Director Comey said well look, people say you can do this but how come there haven't been cases brought recently?

How many cases has the Justice Department declined to bring under 18 U.S.C Section 793 F (ph) because they were concerned about the gross negligence standard?

LYNCH:

Yeah I don't have the answer to that.

DESANTIS:
Do you know if there's been any that have been declined over the last 10, 20 years?

LYNCH:
I don't have an answer to that.

DESANTIS:
I'd like to get that because I think that that's important because you can say people haven't been prosecuted under it but maybe people in the civilian sector have actually met their responsibilities by and large and not been extremely careless with it.

I'm a little bit disappointed with how you've approached this. I think that given all the circumstances that are involved in this case -- and again, I'm just talking about the appearance of what the average Joe sees.

You yourself were appointed by President Clinton in the '90s to be U.S. attorney. Your current boss has said on more than one occasion before Comey's recommendation that Hillary Clinton having top secret information on her e-mail did not damage national security.

You, of course, met with Bill Clinton privately just days before the decision was announced not to go ahead with this prosecution. Of course, your current boss has endorsed Secretary Clinton to be the next President of the United States.

And in fact, they had a campaign trip scheduled I believe the afternoon that Director Comey announced his findings. And so with all of that surrounding, there's a lot of people that have concerns about whether this decision was made with proper integrity.

And basically what you've told us today is I'm not going to talk about it, I'm not gonna justify it. It is what it is. And that falls very short, I think, of what a lot of people want.

And I've noticed that you have been willing to opine on other instances when it suits you. I mean for example, in Orlando in June, you said the most effective response to terrorist is compassion, its unity and its love.

You were -- you were interjecting on that. You said after the San Bernardino attack that your greatest fear was the rise of anti- Muslim rhetoric. That was something you volunteered.

You discussed the possibility in front of the Senate Judiciary Committee in March of

bringing civil actions against people who denied climate change. And of course, you also discussed taking potential criminal action against those engaged in the anti-Muslim speech.

And so I want to ask you whether your hear no evil, see no evil performance today, if somebody honestly looks at what happened here and thinks that if they were a junior officer in the Navy or mid level official in the federal bureaucracy and they treated classified information like this that they would've been held accountable.

And they look to see all these circumstances. And then here you are to justify the head of the department and you're offering them nothing. Do you understand that there's going to be a lot of people that are not satisfied with that?

LYNCH:
Well, Congressman as I've indicated, I understand that people are often frustrated when they don't either understand or have clarity into the reasons behind a decision.

In this matter, there have been a number of times where unprecedented clarity has been provided. In terms of the FBI director statements, for example. That was unusual clarity into his thinking in what led up to his recommendation...

(CROSSTALK)

DESANTIS:
It's also unusual for the justice department to be investigating somebody who's endorsed by the sitting president, though. I believe that's completely unprecedented.

So there's a lot of things -- the unprecedented nature of this can cut both ways. I'm out of time. I do appreciate your time but I'm definitely not satisfied with your answers.

GOODLATTE:
The chair thanks the gentleman.

And recognizes the gentlewoman from California, Ms. Walters, for five minutes.

WALTERS:
Thank you Mr. Chairman. Ms. Lynch, during last week's oversight hearing Chairman Chaffetz and Director Comey -- asked Director Comey about Secretary Clinton granting her attorneys access to e-mails for the purpose of document review.

Specifically he asked, did Hillary Clinton give non-cleared people access to

classified information. Director Comey responded yes.

My question is this, does the conscious decision on the part of Secretary Clinton to grant access to classified information to her attorney's, who did not have security clearance, constitute criminal intent under 18USC section 793b which describes the intent element as the following, willfully communicates, delivers, transmits, or causes to be communicated delivered or transmitted, or attempts to communicate, deliver, transmit, or caused to be communicated, delivered, or transmitted to any person not entitled to receive it.

LYNCH:
Congresswoman I would need to have information about the recipients, what information or what background they had, what clearances they had or didn't have. And I simply am not able to provide you with that answer because I don't have that full information.

WALTERS:
So you do not know if her attorney's had security clearance?

LYNCH:
I do not have that information.

WALTERS:
My understanding is they did not. But having said that, we're going to move on the remainder of my time I want to address another DOJ related matter before this committee.

On October 28, 2015 you appeared before this committee for an oversight hearing, and during that hearing I noted that FBI Director Comey confirmed that the FBI was investigating criminal allegations within the Department of Veterans Affairs related to the manipulation of wait times.

I asked a series of questions regarding DOJ's role and activity in subsequent to the FBI referral. I note that none of these questions would have necessitated answers that would compromise active investigations. If you recall you were unable to provide those answers during the hearing.

However, you twice committed to have DOJ's office of Legislative Affairs provide information to my office. Subsequently your staff inquired whether they could provide those answers through an informal phone call rather than official questions for the record. And the promise from your staff was that the answers would be quicker and provide more substantive information. And I agreed because I am more concerned with getting real answers so we can assure that our Veterans receive the care that they have earned.

After six weeks that informal phone call took place, citing ethical and privacy concerns, your staff refused to answer many of those questions. Quite the opposite of the promise that an informal call would be substantive.

I can only assume that your staff intentionally induced my office to participate in this informal call to avoid answering these questions. Thus obstructing legitimate congressional oversight beyond the purview of the public. This is exactly the type of behavior that disgusts the American public.

I attempt to inject transparency on a subject of immense public importance and then agreed to coordinate with the administration to get answers and develop solutions, only to be subject to partisan games.

I sent a follow up letter to you, asking for an in-person meeting with an official who could provide these answers. I receive a response that stated that the DOJ, and I quote, "provided you with information as appropriate and consistent with the departments law enforcement responsibilities" end quote.

I want to clarify, I received no information whatsoever. So after eight months I will try again, can you provide a status update regarding this investigation.

LYNCH:
Well certainly, Congresswoman, I can tell that there has been at least one prosecution, I believe it was southern district of Georgia. And there have been other matters that are under investigation that are not resolved yet, so we're not able to provide information about them.

And certainly again, if you would reach out again we will attempt to provide whatever information we can. Where a matter is open however we are simply not going to be able to provide that information. But it is something that we take very seriously.

WALTERS:
Of the case that prosecuted, was that case a charge against the VA employee for manipulating wait times?

LYNCH:
I will confirm that and get back to you.

WALTERS:
OK, and I would appreciate a response from you or your staff. And how many VA medical facilities are under active investigation for manipulating patient wait times and when do you expect those investigations to...

LYNCH:
I missed the very first part of your question I'm sorry.

WALTERS:
How many VA medical facilities are under active investigation for manipulating patient wait times. And when do you expect those investigations to conclude?

LYNCH:
I'm not able to give you a time table for any of the open investigations, I don't have the number. And we'll see if we're able to provide you with some clarity on the number.

WALTERS:
You should be able to provide clarity on the number and that's where we were getting stonewalled. I mean they wouldn't give us any information to my staff at all and it's very frustrating.

Another question. How many cases has the DOJ declined to prosecute or press charges against V.A. employees for manipulating wait times?

LYNCH:
I don't have that information and again we'd have to look into that.

WALTERS:
OK. Again, another question that could be answered, because we're not asking specific, private information of people. And can you provide the reasoning that the DOJ declined to pursue each of these cases?

LYNCH:
... information.

(CROSSTALK)

WALTERS:
So I will look forward to having my answers from your staff, and I appreciate and I yield back my time. Appreciate your time. Thank you.

GOODLATTE:
The Chair thanks the gentlewoman and expresses the interest of the Committee in getting the answers to those questions as well.

The Chair now recognizes the gentleman from Michigan, Mr. Trott, for five minutes.

TROTT:
Attorney Lynch, thank you for your time today.

In 1965, a member of the Senate Labor Committee complained to the Chairman of the Committee that the new junior Senator from New York was getting preferential treatment and the Chairman responded, "I'm not treating Bobby Kennedy any different than I would any other future president of the United States." Did Hillary Clinton receive treatment that was different than others?

LYNCH:
She received no treatment different from any other. The only difference in this case is that we have again as I've indicated before provided more information about, at least from the FBI's point of view, the investigative team's thought on this.

TROTT:
So if a member of your staff took classified information home, put it on their server, their laptop, nothing would happen to that person?

LYNCH:
We would review the matter and come to the appropriate decision. We would look to see at all of the relevant ramifications and see what fit.

TROTT:
The meeting on the tarmac with former President Clinton - that was a pretty fortuitous meeting for you wasn't it?

LYNCH:
I would not say that.

TROTT:
Well, it gave you a perfect alibi. Because if you had recused yourself, as some have suggested at the outset of this investigation, because you're friends with the Clintons and maybe hope to be Attorney General in her Administration, then you could stand there and say, "I defer to the FBI Director."

But you didn't recuse yourself, but now you're using the meeting on the tarmac to basically say to avoid the appearance of impropriety, "I can't answer your question." Isn't that basically what's happened here today?

LYNCH:
Congressman, I would not say it was fortuitous for me or for anyone. It led me to take another unusual step in this case ...

(CROSSTALK)

TROTT:
But that's -- that's what's happened --

(CROSSTALK)

LYNCH:
-- in outlining my role --

TROTT:
In fact, I knew you weren't going to answer our questions today, and I apologize for wasting so much time here because it's really not been very productive. I asked my staff to count the number of times today you would say, "I can't answer that question," or refuse to give an appropriate response. It's happened 74 times so far. It's either one of two things.

Either you're saying that because you want to avoid the appearance of impropriety, in which case you should have recused yourself, or you're trying to protect Hillary Clinton.

So my colleague, Mr. Smith, asked earlier if you talked with Bill or Hillary about serving as Attorney General in Hillary's Administration. Have you talked to any of their staff?

LYNCH:
No, I have not.

TROTT:
Have you talked to anyone in the transition team? I know they are talking to people.

LYNCH:
I've not spoken to anyone on either the campaign or transition or any staff members affiliated with them.

TROTT:
Do you want to be Attorney General?

LYNCH:
My focus is on being the Attorney General throughout the remainder of this Administration and dealing with the issues that I've discussed here, particularly my focus on law enforcement and community relations and national security as represented by the Department's work in the most recent tragic accidents facing this country.

Also my work involving vulnerable victims of human trafficking. My focus is on making sure that the resources and assets of the Department of Justice are dedicated towards those important goals, particularly when it comes to individuals who feel at odds or left out or somehow cut out of our society and therefore have a situation where their relationship of trust with law enforcement ...

TROTT:
Thank the Attorney General. I want to reclaim my time.

Why did you tell the FBI security detail not to have any cameras or phones when you met with President Clinton on the plane?

LYNCH:
I didn't make any comments about cameras or phones or anything.

TROTT:
So no one directed the security detail not to take any pictures or anything like that?

LYNCH:
I did not. I didn't make any comments about cameras or phones or anything.

TROTT:
So last week, Mr. Comey, I think when he was being questioned by Mr. Gowdy, said that Hillary Clinton didn't tell the truth when she said that she turned over all the emails -- that all the emails that (ph) had been reviewed by her lawyers. That nothing was classified, that she only had one device and he was quite pointed in his comments that she wasn't telling the truth about all of those matters and other issues.

Do you think she told the truth?

LYNCH:
I'm not privy to the reasoning on that. My understanding is that after that exchange the Committee was going to decide whether or not to make a referral. If that were the case the matter would be reviewed and looked at, and it would be not appropriate to go into it until then.

TROTT:
But you didn't recuse yourself so you're really using that meeting on the tarmac as a way to avoid answering your questions. Isn't that what's happening here? You're saying to avoid the appearance of impropriety --

(CROSSTALK)

LYNCH:
I talked about my conversation with former President Clinton as a way to explain how it would have no impact on the case. I felt it was important to explain that, because I had earlier decided that I would be accepting the team's recommendation. But that also we didn't talk about anything involving cases or the investigation itself. The conversation was, as I have noted earlier, primarily personal on his part.

We've taken that unusual step so that there would not be a view that there would be any influence on that on this matter at all.

TROTT:
And you've used that to not answer our questions today.

LYNCH:
I've answered your questions. If you have more, I'm happy to hear them.

TROTT:
Let's segue to the three mortgage settlements for billions and millions of dollars where in excess of half a billion dollars was basically put into a slush fund to be steered towards liberal community service groups. Any information on whether the attorneys at DOJ that were involved in mandating money not be steered towards conservative groups, any repercussions for that?

LYNCH:
Congressman, with respect to the issue of the settlements that were crafted in some of the residential mortgage-backed securities resolutions that I believe our staffs have had discussions about that, we have provided information to answer questions about that. I believe we're working to provide more information. Again, let us know if there are additional questions there.

Those settlements were in fact under the FIRREA statute, did generate large fines that went to the U.S. Treasury and payments to other groups were not in government funds but they went to organizations that have helped literally tens of thousands of Americans modify mortgages and bring their homes out from being

underwater and allowed them to keep their homes. Which is the consumer relief that we were hoping we could effectuate through these settlements.

TROTT:
And the settlements probably violated the Miscellaneous Receipts Act, but that's another discussion for another time. Thank you, General. I yield back my time.

GOODLATTE:
The Chair thanks the gentleman and recognizes the gentleman from Michigan, Mr. Bishop. For five minutes.

BISHOP:
Thank you Mr. Chairman. Thank you General Lynch for being here today. I know that the Attorney General's office is required to - the folks in your office are required to attend ethics training every year. Are you required to as the Attorney General to attend those as well?

LYNCH:
I do.

BISHOP:
And do they cover - I'm sure that the issue of conflict of interest and doing whatever is possible to avoid the appearance of impropriety?

LYNCH:
Yes.

BISHOP:
I say that in the context of the question that was just asked regarding the meeting on the tarmac and I know that you've indicated since then that you regret the unscheduled meeting and moreover the most important thing for you as Attorney General is the integrity of the Department of Justice, which I appreciate, and I think most Americans would agree with that statement.

Do you recall when and whom told you that former President Clinton wanted to speak with you?

LYNCH:
As I indicated I was getting ready to leave the plane to disembark with my husband, and I don't recall who but I was informed that former President Clinton wanted to say hello, so I agreed that he could say hello, and he did come on board and speak

with my husband and myself ...

BISHOP:
I remember that part.

LYNCH:
... other people.

BISHOP:
But full stop. Right at that moment, at that very moment, I want you to think back - did you think even for a split second that maybe perhaps that wasn't the right thing to do.

That there might be a conflict of interest or at the very, very least an appearance of impropriety to have that meeting with the spouse of a person under investigation in effect, and a key witness in another investigation, a former President of the United States, just for a second, at that moment, did you think about that?

LYNCH:
I will tell you, Congressman, at that moment my thought was, as it is in many instances, that I respond to courtesy with a courtesy, and I viewed it as a brief social greeting, and it turned into a longer conversation certainly than I had anticipated.

BISHOP:
At any time during that meeting did you feel that - did it ever occur to you - you say in retrospect that you regret it, but during that time frame did you regret it at all?

LYNCH:
Congressman, at the time that we had the conversation as I indicated I viewed it as a social conversation similar to when other individuals have asked to say hello, and we speak and move on.

BISHOP:
Fair enough. You answered the question. Thank you very much for that answer.

You've indicated that career prosecutors from your office assisted in the investigation, reviewed the evidence with the investigators with the FBI, correct?

LYNCH:

They were the line team, as we call it.

BISHOP:
So you had a team working. So did those career prosecutors have the opportunity to advise FBI investigators as to whether or not this was an actionable offense, whether probably cause existed?

LYNCH:
Well, certainly they would have provided legal analysis. I am not able to go into specific discussions, obviously.

BISHOP:
So, I get that (ph).

LYNCH:
But they -- but they would have had discussions about the facts and about the field analysis.

(CROSSTALK)

BISHOP:
So your -- your team did, your team was part of the team -- the Department of Justice was part of the FBI investigation?

LYNCH:
Well, the FBI is part of the Department of Justice also.

BISHOP:
OK.

LYNCH:
And I apologize for the confusion, when I refer to the DOJ team I actually mean the lawyers and the agents. So I apologize for that confusion.

BISHOP:
So -- but this -- these were lawyers from your office though, that were part of this team is what I'm getting at. And they were part of -- were they part of also the recommendation that was -- was provided by Director Comey? Did they help draft that recommendation?

LYNCH:
My understanding is that Director Comey provided the information and recommendation that he provided and the information that I received was from the team. It included Director Comey.

BISHOP:
OK so...

(CROSSTALK)

BISHOP:
But what I'm saying is -- I don't wanna mince words here and I don't wanna be -- I don't wanna be elusive in my question. I want to be as direct as possible.

Your team was part of this investigative process so your team was also part of the recommendation that was put forward by Comey, Director Comey, excuse me.

LYNCH:
Well, the recommendation that came to me included Director Comey's recommendation. It was a unanimous recommendation, agents and prosecutors, yes.

(CROSSTALK)

BISHOP:
OK so -- OK I understand it. So this really was your recommendation that you accepted from your team?

LYNCH:
It was a recommendation of the career agents and prosecutors who had done the work. They were -- as I've indicated before -- from within the National Security Division affiliated with main justice and they are the ones who made the recommendation to me.

And my decision was to accept their recommendation.

BISHOP:
OK lemme ask you one more thing, I know my time is fleeting here. Did Secretary Clinton have counsel present for the interview with the FBI?

LYNCH:
I'm not privy to the details of her...

BISHOP:
OK so you don't know whether or not she was questioned under oath whether recorded or any of those?

LYNCH:
I'm not privy to the details of that.

BISHOP:
OK you indicated earlier, you -- my colleague made mention of the fact that there were relevant statutes in a certain case in the (ph) investigation that was going on. What are the relevant statutes involved in this Hillary -- Secretary Clinton case?

LYNCH:
I believe -- I believe that they have been discussed in terms of mishandling classified information and...

BISHOP:
Can you cite those chapter and verse so that I understand that you reviewed and understand the statutes that are being used?

LYNCH:
Lemme...

GOODLATTE:
The time of the gentleman has expired but the witness will be requested to answer the question.

LYNCH:
Thank you.

Let me get you the exact citations of statutes that would have been under considerations. I don't want to misstate here but we've discussed them here generally.

And the discussions have been of the relevant statutes, they -- they have been discussed here, but lemme get you the exact citations.

BISHOP:
OK.

Thank you, Mr. Chairman and I would yield back.

GOODLATTE:
The chair recognizes the gentleman from Georgia, Mr. Collins for five minutes.

COLLINS:
Thank you, Mr. Chairman.

I want to -- before I get into some other questions -- I want to express my concerns over the Antitrust Divisions proposed recommendations regarding Consent Decrees on performing rights and organizations specifically ASCAP and BMI.

Rather than meaningfully discussing and reviewing those Consent Decrees, the Antitrust Division appears to have committed instead to reinterpreting existing agreements in a way that fundamentally changes the way license -- rights were (inaudible). You've heard this already.

The concern can be broken down in a couple of ways. Number one, this goes completely as contradictory to U.S. Register of Copyrights, completely contradictory to the information that has been given from there.

And the Antitrust Divisions proposed to reinterpret the existing Consent Decrees to govern the PROs recommended the shift to a hundred percent licensing away from the current form of fractional licensing.

The review of copyrights, as previously said, this is -- it violates basically principle of copyright law and interferes with creative collaborations amongst song writers, negates private contracts and impermissibly expands the ration of Consent Decrees.

The way I see it, American songwriters are grasping for air and the Antitrust Division just took them off life support. And there's issues here because in this instance, the acting head of the division of the Department of Justice is making a decision that flies in the face of not only of another agency but also -- and putting an industry at risk -- there is at least the appearance of conflict of interest among this head with the person making a decision at DOJ based on our previous offense (ph).

Now, listening to you all day, I'm not expecting a direct answer, unfortunately. But -- and your answer earlier doesn't ring true. You've answered several times that they're continuing to look at this and be a part.

Well, lemme just add, I've had conversations with parties that have been a part of this and they have been specifically told that the division has concluded that it would not be in public interest to modify these decrees in the fractional license (ph).

That sounds like it's already been made up. So we're going ahead and just preempting the time. And I would just ask, would you be willing to look at this considering the concerns here and do an internal independent review of this

Antitrust Decisions recommendation?

LYNCH:
Well, thank you Congressman. Again, as I've said before. My understanding as has been briefed to me is that the Antitrust Division's review and recommendations -- the review is not complete and recommendations have not been made.

That while they are consulting with various stakeholders and I do not know if those are some of the individuals with whom you have spoken that that discussion -- that those discussions, I should say -- are still ongoing. And that it will be still a few more months...

COLLINS:
I appreciate it, but I will reclaim my time here because this is an issue that I know may not be on your radar at this point (ph) I'm wanting to put it square and front and center on your radar because this is a decision that affects a great deal.

But it does back to something that is very disturbing -- I never thought I'd say this. I actually -- and I say this with due respect, Attorney General. I miss Eric Holder. Because at least when he came here and he gave us answers, we didn't like it.

But I've spent the last four hours listening to basically the Attorney General of the United States not willing to make a concrete statement of law. To not be willing to say that when given the opportunity about a colleague of mine, who made the decision in this case?

I understand Director Comey stepped up and said here is the decision we recommend. And you -- all you've been willing to say is well, we just accepted team recommendation (ph).

When given the opportunity to say do you accept this decision you've never answered directly that you've owned this decision. Do you own this decision?

LYNCH:
Congressman, as I've stated, I made the decision and I do accept. I did accept it and therefore I made the decision to accept that recommendation. That was the action that I took.

COLLINS:
The problem that we're having here, though is you took a decision because you had to -- your own words just a few moments ago that the meeting on the tarmac led you to do something.

That was your exact words, it led me to do something and that was basically recuse yourself but didn't recuse yourself. You just said I'm gonna accept what they tell me.

LYNCH:
It led me to discuss the decision I already made about how the matter would be handled (ph)...

(CROSSTALK)

COLLINS:
Had you already had conversations with the team before you made this statement and before the meeting on the tarmac?

LYNCH:
No, before I had a conversation with former President Clinton I had not spoken with the team. I had concluded in my mind how it should be resolved because I had tremendous faith in their work and integrity.

(CROSSTALK)

COLLINS:
Did you --

LYNCH:
So there were no conversations before that.

COLLINS:
-- and the way it was going about or the end outcome?

LYNCH:
I had no conversations about the end outcome of the investigation.

COLLINS:
Do you believe there is such a thing as a strict liability offense?

LYNCH:
Depending upon the statute...

(CROSSTALK)

COLLINS:
We went to law school. Is there strict liability offenses or not?

LYNCH:
In OSHA, for example there are...

COLLINS:
Is that a yes or a no?

LYNCH:
For environmental cases there are.

COLLINS:
Yes or no?

LYNCH:
I've given you two -- two examples.

COLLINS:
No, I want a yes or a no. Is there strict liability or not (ph)?

LYNCH:
I've given you two examples.

COLLINS:
I'm not -- this is, again, the issue that we have here is there's no ownership in DOJ. It's no wonder the optics of this so bad (ph). I've never agreed probably with David Ostrob (ph) in my life.

But the optics of this are terrible and you today have made it worse. And as also a member of the military who just got through at my drill duty this weekend, you have basically to me, offended every military member here who handles classified information who does so with their training.

And you basically said well, it depends on this. I got a question for you; riding down the road, speed limit says 55, I'm doing 65, have I broke the law?

LYNCH:
You have to ask the highway patrol, they would likely write you a ticket. They would likely write you a ticket for that.

COLLINS:
I'm not sure -- I went to a small little -- little small law school. We taught the law. Harvard -- I'm not sure anymore. Did you break the law or not? Sixty-five in a 55,

my dad was a State Trooper, be careful with your answer, you're under oath.

LYNCH:
As I said before, you would get a ticket for that.

COLLINS:
OK so you broke the law?

LYNCH:
You would be cited for that that would be considered an offense.

COLLINS:
In this -- just the amazingness of this. What you've been asked many times, you said I'm not going to talk about this, the day after you said well, I'm just going to have to accept, whatever they tell me.

Because you're not going to do any investigation. You're not going to put the Attorney General -- the top law enforcement officer -- stamp of approval on it. You said I'm just gonna accept whatever they give me.

Did you at least read anything before you had a press conference the next day? Did you at least look at the testimony from Hillary Clinton?

LYNCH:
Congressman.

COLLINS:
Did you at least look at anything?

LYNCH:
I did not hold (ph) --

(CROSSTALK)

GOODLATTE:
The time of the gentleman has expired. The witness can answer the question.

LYNCH:
Thank you, Mr. Chairman.

I did not issue a press conference. I issued a statement, I did receive a briefing

from the team. It was thorough, it discussed the findings that they had come to, it discussed the legal analysis that they had made.

My decision was to accept those findings and as I've said before, that was my decision.

COLLINS:
As a famous leader once said, "the buck stops with me," please go read that (OFF-MIKE).

GOODLATTE:
The chair thanks the gentleman.

Recognize the gentleman from California Mr. Peters, for five minutes.

PETERS:
Thank you.

I thank -- I'd like to thank the Attorney General for this long period of time. And since I'm last person -- literally, my colleagues on this side have exhausted a lot of the topics about community policing, gun safety, police misconduct. There's even a question about the compensation for song writers.

I don't think a single one of my colleagues on the other side of the aisle has asked a question about something other than secretary Clinton's e-mails, so that topic has been extensively covered.

I do wish that she had not used a private server. I do wish that you had not had that meeting on the tarmac, and I think each of you has acknowledged these errors, to your credit.

But my colleagues have, throughout this hearing, have exhibited an honest and a passionate concern about the law, and about the constitution, here today with regard to Mrs. Clinton. And we are serious about the Constitution here in the judiciary committee, they even give us a pocket-Constitution in each of our drawers.

And I wanted to ask a couple questions about the constitutional issues that might be raised by some of the proposals of another candidate for president. Mr. Trump has proposed a ban on Muslims entering the country, until our leaders figure out what the heck is going on. Now, putting aside the vagueness of that proposal - do you see any constitutional issues that are raised by such proposal - are there any barriers to such proposal raised by the Constitution?

LYNCH:

So, congressman, I will tell you that I do not have a comment on any of the candidates and their specific proposals. That is not my role and I have chosen not to comment on specifics that any candidate may offer.

What we have said about any proposal to ban a particular group, is that it would not be in the interest of law enforcement, and would not advance the goals of law enforcement to do so. But I don't have a comment on any of the comments or proposals of any of the candidates.

PETERS:
Has the justice department under you considered a registry of Muslim Americans that would keep track of where they moved?

LYNCH:
That has not been a consideration of ours.

PETERS:
Do you not think that would be useful?

LYNCH:
As it - well, as I've indicated, the way in which we interact with the Muslim American community has been one where we are trying to grow cooperation and trust. They are, in fact, an ally in many investigations that we have. They have been helpful in providing information about various issues. And so, it has been more effective, in our view, to deal with individuals from any particular community as all Americans.

PETERS:
Might that also, such proposal, pose a burden on the free exercise of religion under the First Amendment?

LYNCH:
Well certainly, I would not support any burdens on the free exercise of religion.

PETERS:
Have you ever considered whether women might be punished for seeking an abortion? Is there any...

LYNCH:
Again congressman, to the extent that it relates to something that a particular candidate has raised - I'm not going to comment on that. I think that that issue has been discussed considerably in the press. I think it depends upon the state laws at

issue there - and as I said before, it's because my role is not to comment on the campaign or any of the candidates, and so I apologize for that, but I don't have a comment on that.

PETERS:
And then, I guess the other thing that was raised - I mean, you're the Attorney General, so I don't have anyone else to ask, but the idea that if we entered into a treaty or an agreement with other countries, a new president might come in and rip it up. I don't suppose you have any view on the constitutional mechanism to do that by executive action alone.

LYNCH:
Well, I actually don't have knowledge of the process by which one could revoke a treaty, and so I'm not able to answer that question for you.

PETERS:
Well, it's my observation that we talk a lot about executive overreach in this committee, in fact, I think we have another - the next hearing is on executive over-reach.

And the kinds of proposals that are coming out of the other campaign - and this has been, you know - this, frankly, has been about a presidential candidate. I don't think any of us is under the illusion that this is all about one prosecution. This has to do with the political campaign.

I think Mrs. Lofgren suggested that some members of the committee were disappointed by your failure to obviate the need for an election, by prosecuting Secretary Clinton. So I just raised the point that executive over-reach appears to go both ways and I want my colleagues to consider that as they - as they spend the next week supporting the candidate who's really the king of executive over-reach.

And I guess that's not your issue today, but I hope we don't have to face that in the next term. I do want to thank you very much for spending the time here, I know it's been a long day, and I appreciate your service, thank you.

GOODLATTE:
The chair thanks the gentleman. Recognize the gentleman from Texas, Mr. Ratcliffe, for 5 minutes.

RATCLIFFE:
General Lynch, after your meeting with Bill Clinton, you were asked in an interview about the appearance of impropriety and said - "no matter how I view it, I understand how people view it, it has now cast a shadow over how this case may

be received." Do you remember saying that?

LYNCH:
That was a few days afterwards in an interview, yes, sir.

RATCLIFFE:
We know that you made the decision at that point, not to recuse yourself from this investigation. Two days after you made that statement about casting a shadow on the integrity of the Department of Justice, the New York Times reported that quote - "Democrats close to Mrs. Clinton say that she may decide to retain Mrs. Lynch, the nation's first black woman to be Attorney General", end quote.

Did the timing of that, right after the Bill Clinton meeting, give rise to any thought in your mind of reconsidering whether or not recusal in the light of appearance of impropriety might be appropriate?

LYNCH:
Congressman, I have no knowledge of the source of that statement, nor have I had any conversations about that.

(CROSSTALK)

RATCLIFFE:
-- any thought (ph)?

LYNCH:
My view was that I needed to discuss the conversations I had with the former president, to clarify my role in the investigation.

RATCLIFFE:
So, I don't want to impugn your integrity by asking you whether the prospect of future employment as Attorney General on a Hillary Clinton administration influenced your decision whether not to recuse yourself, or influence your final decision regarding prosecution.

But now that you've already made that decision, and closed the matter, will you consider serving as an Attorney General in the Hillary Clinton administration?

LYNCH:
Congressman, my focus is on serving this attorney general in this administration.

RATCLIFFE:

No, I don't care about your focus. What I want to know is will you rule it out?

LYNCH:
That is my focus now.

(CROSSTALK)

RATCLIFFE:
Will you rule it out?

LYNCH:
It is working on the issues --

RATCLIFFE:
Will you rule it out?

LYNCH:
-- before the Department of Justice. That matter is not before me.

RATCLIFFE:
Well, I gotta tell you, that shadow that you cast on the Department of Justice just got a whole lot bigger.

Because if you're not willing to rule-out future employment in the Hillary Clinton administration, what that means is the American people have every right to wonder whether of not you looked at this through a fair and impartial lens, because your answer tells the American people that after the FBI director told you that Mrs. Clinton had been extremely careless with at least 110 e-mails marked as top-secret, secret or classified and may have jeopardized the lives of actual Americans and told you that she made numerous false public statements about sending, receiving or turning over classified materials - you might want to apply for a job with her?

LYNCH:
I have no comment on that.

RATCLIFFE:
Your answer, not ruling out employment with her, means that as much of the free world is wondering whether or not Hillary Clinton should've been prosecuted and possibly sent to prison for being extremely careless, as the FBI director said, with hundreds of top-secret, secret and classified e-mails - you're telling the American

people watching today, that instead of going to jail, faced with the prospect of possible future employment, you think she should go to the other end of the spectrum and be eligible to be the person, with greater access and greater control over America's most sensitive and trusted national security information than anyone else on the planet.

I got to tell you, utter shock is an understatement with respect to what I just heard you say. So, let me ask you this question.

LYNCH:
Well, Congressman --

(CROSSTALK)

LYNCH:
-- indicated --

RATCLIFFE:
No, I want to ask you this way, my time is limited and the clock is moving.

Based upon your unwillingness to rule-out future employment, in light of the fact that you and your husband had a 30 minute conversation with the spouse of a pending federal investigation - the subject or target of a pending federal investigation - and with the person who would be the subject or target of the federal investigation if there is one into the Clinton Foundation, would you at least agree with me that if there is such an investigation, you'll have to recuse yourself from that one.

LYNCH:
Congressman, with respect to other matters before this committee or any other, or before the Department of Justice - they'll be reviewed like any other. I will take all the appropriate action that I would need to take...

RATCLIFFE:
I'll take that as a no...

LYNCH:
-- in that instance.

RATCLIFFE:
And let me move on here. Because I've got a really important --

LYNCH:
And Congressman, as I've indicated to your colleague --

(CROSSTALK)

LYNCH:
Just as I will not comment on the statements of the candidates...

(CROSSTALK)

RATCLIFFE:
With all due respect, I'm not going to let you run out the clock --

LYNCH:
-- candidacy of any one -- either side. I would not comment on the candidacy of the other one.

RATCLIFFE:
-- the American people that have questions that need to be answered so let me move on. On July 5, one week after - one week after your meeting with Bill Clinton - FBI director made an unprecedented, extraordinary public recommendation not to indict, but his statement was just a recommendation. You said - I made the decision.

And in his statement to the press, he said that what that decision would include, would be - consider a quote, "considerations like the strength of evidence, especially regarding intent," he said also, that a responsible decision would consider the context of a person's actions.

So my question to you is - as you made the decision, did your final decision weigh the strength of the evidence in the context of Hillary Clinton's actions?

LYNCH:
I will tell you, congressman, that was part of what the team that was presenting to me was focused on, and it was a -- certainly encompass those issues as well as all of the other issues that I've indicated before, that would be in that. It would be contained within their entire recommendation to me...

RATCLIFFE:
And that was reflected in your two-sentence statement about - it starts out - late this afternoon I met with FBI director, Jim Comey, and career prosecutors - by the way, how long did that meeting last?

Document ID: 0.7.7995.5208-000001 20170503 - 0002616

LYNCH:
You know, I don't recall.

RATCLIFFE:
Hours?

LYNCH:
I don't recall and I wouldn't be providing that information.

RATCLIFFE:
More than hours?

LYNCH:
I don't recall and would not be providing that information.

RATCLIFFE:
Late in the afternoon. I assume it was in one day?

LYNCH:
It's clear from the statement when the meeting occurred.

RATCLIFFE:
OK. So it happened the day after and apparently within a matter of hours, if it happened in one day, so you just told us that after a year-long investigation involving 150 FBI agents working around the clock, involving more than 30,000 emails, tens of thousands of man-hours, that your thoughtful, careful weighing of strength of evidence took you an afternoon, a cup of coffee, with the FBI Director, that your decision in this case, for charges relating to a person who according to the FBI Director was extremely careless handling America's most sensitive national security matters and is seeking to be a candidate in charge of America's most sensitive national security matters, took the better part of an afternoon.

It didn't last weeks, it didn't last months, it didn't take days - you weighed that evidence, determined her intent and gross negligence in a matter of hours.

Will you at least tell the American people whether you at least reviewed the 110 top secret, secret and classified emails that we know that she sent and received on an unsecured, unauthorized server.

Will you at least answer that?

LYNCH:
As I have indicated ...

GOODLATTE:
The time of the gentleman has expired. The witness is permitted to answer the question.

LYNCH:
Thank you Mr. Chairman. As I've indicated, I received a recommendation after a briefing from the team which included the career lawyers as well as the FBI Director.

I received a full and thorough briefing. We reviewed and discussed the matter and I accepted their recommendation.

RATCLIFFE:
Well --

LYNCH:
And as I've indicated earlier, again, just to be clear, the reason I do not go into these internal meetings is because the teams are prosecutors and agents who work on every matter need to be able to provide their full and unfettered advice, counsel, discussion without the fear of political overtones --

RATCLIFFE:
Well --

LYNCH:
Without the fear of that kind of --

RATCLIFFE:
Since you didn't answer that question I'll give you a preview then I'll ask Director Comey that when he's in front of Homeland next week.

And let me just close then summarize by saying so less than, after a week when you met privately with the spouse of a target of a federal investigation, a target with whom you haven't ruled out applying for a job, you didn't recuse yourself and instead spent a grand total of a few hours reaching a decision regarding tens of thousands of documents involving our national security and you can't seem to understand why the American people, Republicans, Democrats and Independents are outraged at your actions.

If you thought the meeting that you had on the tarmac with Bill Clinton casts a shadow over the integrity of the Department of Justice, what I've heard today from you made the size of that shadow something that I will tell you that as far as casting shadows that the American people pay attention to, Punxsutawney Phil's got nothing on you. I yield back.

GOODLATTE:
General Lynch, Mr. Ratcliffe had a number of good questions. And he cut you off in some of the answers. If you'd like to give an answer to anything that he just posed we'd be happy to give you additional time to do that.

LYNCH:
Thank you Mr. Chairman. I will not take a great deal of your time. The only comment that I wanted to make clear for the record was just as with respect to questions about any presidential candidate or any candidate for any other office, just as I would not opine on policies or issues raised by one I would not opine on policies or issues raised by the other.

That is something that I want to make it clear, that is not my function as the Attorney General. I am not attempting to do that in any way here.

So just as I would not opine with respect to the questions raised by Congressman Peters, I did not want to appear to be responding about Mrs. Clinton as a candidate. My responses here have been with respect to the matters before the Department of Justice and the Department of Justice alone.

As indicated we have provided unprecedented access into the thinking of the investigative team in this case. We have also - I have provided access into the process by which the Department was resolving this matter.

Things that we rarely do but I felt was important to do in order to make it clear to the American people that my role in this matter had been decided before I had a conversation with the former President, that conversation did not have any impact on it and that in fact as with every case, the team of experienced career prosecutors and agents who reviewed this diligently, thoroughly and at great length, had gone to great lengths and came up with a thorough, concise and exhaustive review and recommendation which I then accepted.

While I understand the frustration by people who disagree with that decision, as I've indicated before, it is similar to the frustration of people who may have a situation where they're the victim of a crime and were not able to bring a case.

And we've had similar discussions with individuals in that category as well. So I understand that frustration and the desire to see action in a certain matter where feelings are strong and emotions run high.

But in this case, as with every other case that the Department handles, we looked at the law, we looked at the facts, they were applied, and the conclusion was come to that was consistent with the law and those facts, and I accepted that recommendation.

GOODLATTE:
General Lynch, this concludes our hearing. I thank you for providing us with more than four and a half hours of your time. However, scores of questions were posed to you that were not answered by you. Some you've offered to get back to us about in writing afterwards.

We will be forwarding to you additional questions related to other matters raised as well as the investigation and non-decision to prosecute former Secretary of State Clinton, and we would expect that you would answer those questions.

You are the chief law enforcement officer of the United States and the final decision regarding the prosecution is yours. And the fact that you were not able to provide us with answers regarding how that decision was reached is very concerning to members of this committee and to the American public.

I do thank you for appearing today, and without objection we will make a part of the record a letter from Congressman Walters to you, General Lynch, and your response, or actually Peter Kensick's (ph) response, to her first letter dated December 17, 2015, second, January 2, 2016, and I know you've made a commitment to respond further regarding her inquiry regarding the Department of Veterans Affairs.

With that, the Committee - this concludes the hearing and we thank you for your appearance today. And without objection all members will have five legislative days to submit additional written questions for the witness or additional materials for the record.

And with that the hearing is adjourned.

CQ Transcriptions, July 12, 2016

List of Panel Members and Witnesses

PANEL MEMBERS:
REP. ROBERT W. GOODLATTE, R-VA. CHAIRMAN

REP. LAMAR SMITH, R-TEXAS

REP. JIM SENSENBRENNER, R-WIS.

REP. DARRELL ISSA, R-CALIF.

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REP. JIM JORDAN, R-OHIO

REP. TED POE, R-TEXAS

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REP. STEVE CHABOT, R-OHIO

REP. TOM MARINO, R-PA.

REP. TREY GOWDY, R-S.C.

REP. RAUL R. LABRADOR, R-IDAHO

REP. BLAKE FARENTHOLD, R-TEXAS

REP. DOUG COLLINS, R-GA.

REP. RON DESANTIS, R-FLA.

REP. MIKE BISHOP, R-MICH.

REP. KEN BUCK, R-COLO.

REP. JOHN RATCLIFFE, R-TEXAS

REP. DAVE TROTT, R-MICH.

REP. MIMI WALTERS, R-CALIF.

REP. JOHN CONYERS JR., D-MICH. RANKING MEMBER

REP. JERROLD NADLER, D-N.Y.

REP. ZOE LOFGREN, D-CALIF.

REP. SHEILA JACKSON LEE, D-TEXAS

REP. STEVE COHEN, D-TENN.

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REP. JUDY CHU, D-CALIF.

REP. TED DEUTCH, D-FLA.

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REP. LUIS V. GUTIERREZ, D-ILL.

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REP. HAKEEM JEFFRIES, D-N.Y.

REP. DAVID CICILLINE, D-R.I.

REP. SCOTT PETERS, D-CALIF.

WITNESSES:
ATTORNEY GENERAL LORETTA E. LYNCH

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American Security Today

From: American Security Today
Sent: Wednesday, July 06, 2016 7:32 AM
To: Werner, Sharon (OAG)
Subject: 'Extremely Careless... Should Have Known... Potential Violations...' No Charges

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July 6, 2016

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FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System.

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From:	POLITICO Huddle
Sent:	Wednesday, July 06, 2016 7:50 AM
To:	Werner, Sharon (OAG)
Subject:	POLITICO Huddle: SANDERS MEETS WITH HOUSE DEMS THIS A.M. – House path forward on gun control murky – TOOMEY'S TOUGH TAKE ON IMMIGRATION – Dems want to free C-SPAN cameras

07/06/2016 07:46 AM EDT

By Heather Caygle (hcaygle@politico.com or @heatherscope)

With assistance from Daniel Lippman

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COMEY CALLED TO TESTIFY ON CLINTON EMAILS- Speaker Paul Ryan wants FBI Director James Comey to testify on the Hill about why the agency chose not to take action against Hillary Clinton for the "extremely careless" way she handled classified material on her private email server. Rachael with more: http://goo.gl/9aQFUj

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Newman, Melanie (OPA)

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 10:20 AM
To: Pokorny, Carolyn (OAG); Cheung, Denise (OAG); Kadzik, Peter J (OLA); Axelrod, Matthew (ODAG); Franklin, Shirlethia (OAG); Bruck, Andrew J. (ODAG)
Subject: comey to testify tomorrow

http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

House Oversight chairman: Comey to testify Thursday

House Oversight Committee Chairman Jason Chaffetz (R-Utah) announced that FBI Director James Comey will testify before his panel on Thursday regarding the bureau's investigation of Hillary Clinton's email practices.

"Congress and the American people have a right to understand the depth and breadth of the FBI's investigation," Chaffetz said in a statement announcing that Comey had agreed to his request.

Comey called Clinton "extremely careless" for using her private email server to send classified material during her tenure as secretary of State, but he did not recommend that charges be filed against her.

Authors:

Show Comments

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U.S. Department of Justice
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Ce (b) (6)
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POLITICO

From:	POLITICO
Sent:	Wednesday, July 06, 2016 11:00 AM
To:	Franklin, Shirlethia (OAG)
Subject:	BREAKING NEWS: House Oversight chairman: Comey to testify Thursday

FBI Director James Comey will testify on Capitol Hill Thursday regarding the bureau's investigation of Hillary Clinton's email practices, part of a concerted GOP effort to keep the heat on Clinton heading into the party conventions and a long congressional recess.

Comey will appear before the Oversight Committee at 10 a.m., House Oversight Committee Chairman Jason Chaffetz (R-Utah) said on Wednesday morning. The hearing will be just two days after Comey's stunning repudiation of Clinton's "extremely careless" practice of using a private email server to send classified information during her tenure as secretary of State. Comey did not recommend charges be filed against her, stoking GOP outrage and propelling congressional leaders like Chaffetz to seek more information.

Chaffetz's Senate counterpart, Homeland Security and Governmental Affairs Committee Chairman Ron Johnson (R-Wis.), demanded a written explanation of Comey's decision-making on Wednesday. And House Judiciary Chairman Bob Goodlatte (R-Va.) said that Attorney General Loretta Lynch will testify next Tuesday before his panel about Clinton's email practices, as well as Bill Clinton's private meeting with Lynch in late June.

The flurry of action highlights the GOP's exasperation over Comey's decision not to recommend an indictment despite his harsh words for Clinton. Republicans said the decision feeds the public perception that the Clintons are not held to the same standard as other Americans, and the GOP is set to use the matter as a electoral cudgel over the next four months.

Chaffetz called it "surprising and confusing" that Comey did not recommend an indictment; the FBI chief's criticism, in Chaffetz's view, "makes clear Secretary Clinton violated the law."

"Congress and the American people have a right to understand the depth and breadth of the FBI's investigation," Chaffetz said in a statement announcing that Comey had agreed to his request.

Across the Capitol, Johnson announced in a letter to Comey that his committee is continuing to investigate Clinton's email use. Johnson asked that Comey describe the cost and scope of the investigation of Clinton and further explain his decision-making process.

"You determined that Secretary Clinton's 'handling of very sensitive, highly classified information' was 'extremely careless.' However, you found that the actions of Secretary Clinton did not lead to a recommendation to pursue criminal charges, including charges under the 'gross negligence' standard ... What is the difference, in the FBI's view, between extreme carelessness and gross negligence?" asked Johnson in the letter. "What set of facts would cause the FBI to recommend criminal charges under the gross negligence standard?"

Meanwhile, Goodlatte will focus on Lynch, who was rebuked by members of both parties for speaking at length with Bill Clinton on an airport tarmac in Arizona last week. The interaction, which Lynch later

at length with Bill Clinton on an airport tarmac in Arizona last week. The interaction, which Lynch later admitted was a mistake, handed the GOP more ammunition surrounding the Justice Department's investigation of Hillary Clinton.

"It is uniquely troubling in light of Attorney General Lynch's secret meeting with former President Bill Clinton. No one is above the law and the American people need to know that federal law enforcement is taking this misconduct seriously," Goodlatte said.

Other Republicans want to go even further, with several GOP lawmakers calling on Wednesay for a special prosecutor to investigate Hillary Clinton.

Read more: http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

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Lewis, Kevin S. (OPA)

From:	Lewis, Kevin S. (OPA)
Sent:	Wednesday, July 06, 2016 11:03 AM
To:	Kadzik, Peter J (OLA); Newman, Melanie (OPA)
Cc:	Herwig, Paige (OAG); Pokorny, Carolyn (OAG)
Subject:	RE: Oversight Hearing

http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

Comey to testify on Clinton email probe Thursday

By Burgess Everett

FBI Director James Comey will testify on Capitol Hill Thursday regarding the bureau's investigation of Hillary Clinton's email practices, part of a concerted GOP effort to keep the heat on Clinton heading into the party conventions and a long congressional recess.

Comey will appear before the Oversight Committee at 10 a.m., House Oversight Committee Chairman Jason Chaffetz (R-Utah) said on Wednesday morning. The hearing will be just two days after Comey's stunning repudiation of Clinton's "extremely careless" practice of using a private email server to send classified information during her tenure as secretary of State. Comey did not recommend charges be filed against her, stoking GOP outrage and propelling congressional leaders like Chaffetz to seek more information.

Story Continued Below

Chaffetz's Senate counterpart, Homeland Security and Governmental Affairs Committee Chairman Ron Johnson (R-Wis.), demanded a written explanation of Comey's decision-making on Wednesday. And House Judiciary Chairman Bob Goodlatte (R-Va.) said that Attorney General Loretta Lynch will testify next Tuesday before his panel about Clinton's email practices, as well as Bill Clinton's private meeting with Lynch in late June.

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Read more: http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156#ixzz4DdoP7N00
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From: Kadzik, Peter J (OLA)
Sent: Wednesday, July 06, 2016 10:52 AM
To: Newman, Melanie (OPA)
Cc: Herwig, Paige (OAG); Pokorny, Carolyn (OAG); Lewis, Kevin S. (OPA)
Subject: Re: Oversight Hearing

(b) (5) One in 2015 and this 2016's hearing.

Sent from my iPhone

On Jul 6, 2016, at 10:50 AM, Newman, Melanie (OPA) <mnewman@jmd.usdoj.gov> wrote:

(b) (5)

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Cell (b) (6)
@MelanieDOJ

From: Herwig, Paige (OAG)
Sent: Wednesday, July 06, 2016 10:43 AM
To: Kadzik, Peter J (OLA); Newman, Melanie (OPA); Pokorny, Carolyn (OAG)
Cc: Lewis, Kevin S. (OPA)
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Cc: Lewis, Kevin S. (OPA)
Subject: RE: Oversight Hearing

(b) (5) Hearing was confirmed on 5/13.

Peter J. Kadzik

Assistant Attorney General
Office of Legislative Affairs
(202) 514-2141
peter.j.kadzik@usdoj.gov

From: Newman, Melanie (OPA)
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Subject: Oversight Hearing

All –

(b) (5)

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U.S. Department of Justice
Direct: 202-305-1920
Cell: (b) (6)
@MelanieDOJ

Axelrod, Matthew (ODAG)

From:	Axelrod, Matthew (ODAG)
Sent:	Wednesday, July 06, 2016 5:57 PM
To:	Newman, Melanie (OPA)
Cc:	Pokorny, Carolyn (OAG)
Subject:	Re: FINAL
Attachments:	Picture (Device Independent Bitmap).jpg; Picture (Device Independent Bitmap).jpg

(b) (5)

On Jul 6, 2016, at 5:54 PM, Newman, Melanie (OPA) <mnewman@jmd.usdoj.gov> wrote:

(b) (5)

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U.S. Department of Justice
Direct: 202-305-1920
Cell: (b) (6)
@MelanieDOJ

From: James, Kelli D. (OPA)
Sent: Wednesday, July 06, 2016 5:55 PM
To: Newman, Melanie (OPA)
Subject:

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WEDNESDAY, JULY 6, 2016

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STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

WASHINGTON – Attorney General Loretta E. Lynch released the following statement today regarding the State Department email investigation:

"Late this afternoon, I met with the FBI Director James Comey and career prosecutors and agents who conducted the investigation of Secretary Hillary Clinton's use of a personal email system during her time as Secretary of State. I received and accepted their unanimous recommendation that the thorough, year-long investigation be closed and that no charges be brought against any individuals within the scope of the investigation."

# # #

16-XXX

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Pokorny, Carolyn (OAG)

From: Pokorny, Carolyn (OAG)
Sent: Wednesday, July 6, 2016 5:58 PM
To: Newman, Melanie (OPA); Axelrod, Matthew (ODAG)
Cc: Cheung, Denise (OAG); Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA)
Subject: RE: FINAL

+ Peter and Alicia

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Cc: Cheung, Denise (OAG)
Subject: RE: FINAL

Thanks sending now.

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Cel (b) (6)
@MelanieDOJ

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+Denise.
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Cel [redacted]
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Subject:

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O'Brien, Alicia C (OLA)

From:	O'Brien, Alicia C (OLA)
Sent:	Wednesday, July 6, 2016 5:59 PM
To:	Newman, Melanie (OPA); Kadzik, Peter J (OLA)
Cc:	Pokorny, Carolyn (OAG)
Subject:	RE: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

Sent to the Hill.

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 5:59 PM
To: Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA)
Cc: Pokorny, Carolyn (OAG)
Subject: FW: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

This is out.

From: USDOJ-Office of Public Affairs (SMO)
Sent: Wednesday, July 06, 2016 5:58 PM
To: USDOJ-Office of Public Affairs (SMO)
Subject: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

Department of Justice

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16-782

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White House Press Office

From: White House Press Office
Sent: Wednesday, July 06, 2016 7:11 PM
To: Werner, Sharon (OAG)
Subject: Press Briefing by the Press Secretary Josh Earnest, 7/6/2016

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release July 6, 2016

PRESS BRIEFING
BY PRESS SECRETARY JOSH EARNEST

James S. Brady Press Briefing Room

1:34 P.M. EDT

MR. EARNEST: Good afternoon, everybody.

Q Quiet a day. (Laughter.)

MR. EARNEST: You know, just a day at the office.

I do not have any announcements at the top, so we can go straight to questions. I assume there are a variety of topics we'll cover today. But, Josh, I'll let you choose where we start.

Q Great. Thanks, Josh. Why don't we start with Afghanistan? I wanted to see if you could tell us how the President feels that this troop announcement reflects on his legacy. As President, he came in wanting to disentangle the U.S. in Afghanistan and Iraq, now leaving conflicts in both of those places, as well as ones in Syria and in Libya. Does the President wish that he would have been able to finish his presidency without so many Americans still overseas in Afghanistan?

MR. EARNEST: Well, Josh, it's important for people to understand the context in which this decision is taking place. First of all, it takes place in the context of a dramatic change in the nature and scale of the U.S. presence if Afghanistan. When President Obama took office, there were about 38,000 U.S. troops in Afghanistan. The President spent much of his first year in office weighing how to fulfill the promise that he made in the context of the campaign, which is to ensure that our national security resources were focused on the real and

national security resources were focused on the real and significant enduring threat that existed in the form of core al Qaeda in the Afghanistan-Pakistan region.

And in the context of making that decision, the President made the choice -- based on recommendations from the Department of Defense and other members of his national security team -- to increase our troop presence above 100,000 troops in Afghanistan. That peak was reached around 2011 and 2012. And that surge of resources, that surge of troops on the ground had a material impact on the security situation in Afghanistan such that we have succeeded in decimating core al Qaeda in the Afghanistan-Pakistan region. We have succeeded in building up the capacity of Afghan security forces to provide for the security of their own country. We have also formed a strong and enduring relationship with the Afghan central government such that the Afghan government now is an effective partner of the United States and the rest of the international community that is focused on the situation in Afghanistan.

The President's announcement today indicated that the troop level headed into next year will be 8,400. That represents a substantial commitment on the part of the United States to the future of Afghanistan. It also represents a significant reduction in the number of men and women that the United States has in harm's way in Afghanistan. And it is also a validation of the approach that is focused on training, advising, and occasionally assisting Afghan security forces so that they can fight for their country.

This doesn't just reduce the exposure of our men and women in uniform; it also enhances the longer-term outlook for the security situation in Afghanistan. We've already tried the approach -- the previous administration tried the approach where the United States would try to impose a military solution on a country like Afghanistan. That's not a long-term solution.

So the President's approach is one that ensures a positive long-term outlook for Afghanistan. But there's also no denying that the next president will also have to make some substantial weighty decisions with regard to our ongoing relationship with Afghanistan, with regard to our ongoing strategy for countering extremists that continue to try to threaten U.S. interests that are based in Afghanistan. And there will be substantial questions to be answered and decisions to be made about our ongoing relationship with the Afghan government. But there's no denying the progress that we've made and the change that -- the relationship between the United States and Afghanistan that we have seen as a result of the decisions made by President Obama over the last eight years.

Q I wanted to drill down on what administration officials told us on a call was the administration's intention to engage with Congress on finding a way to pay for these

'Extremely Careless... Should Have Known... Potential Violations...' No Charges

FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System.

After a tremendous amount of work over the last year, the FBI is... ***Read More***

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POLITICO Huddle

From:	POLITICO Huddle
Sent:	Wednesday, July 06, 2016 7:50 AM
To:	Werner, Sharon (OAG)
Subject:	POLITICO Huddle: SANDERS MEETS WITH HOUSE DEMS THIS A.M. – House path forward on gun control murky – TOOMEY'S TOUGH TAKE ON IMMIGRATION – Dems want to free C-SPAN cameras

07/06/2016 07:46 AM EDT

By Heather Caygle (hcaygle@politico.com or @heatherscope)

With assistance from Daniel Lippman

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COMEY CALLED TO TESTIFY ON CLINTON EMAILS- Speaker Paul Ryan wants FBI Director James Comey to testify on the Hill about why the agency chose not to take action against Hillary Clinton for the "extremely careless" way she handled classified material on her private email server. Rachael with more: http://goo.gl/9aQFUj

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Newman, Melanie (OPA)

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 10:20 AM
To: Pokorny, Carolyn (OAG); Cheung, Denise (OAG); Kadzik, Peter J (OLA); Axelrod, Matthew (ODAG); Franklin, Shirlethia (OAG); Bruck, Andrew J. (ODAG)
Subject: comey to testify tomorrow

http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

House Oversight chairman: Comey to testify Thursday

House Oversight Committee Chairman Jason Chaffetz (R-Utah) announced that FBI Director James Comey will testify before his panel on Thursday regarding the bureau's investigation of Hillary Clinton's email practices.

"Congress and the American people have a right to understand the depth and breadth of the FBI's investigation," Chaffetz said in a statement announcing that Comey had agreed to his request.

Comey called Clinton "extremely careless" for using her private email server to send classified material during her tenure as secretary of State, but he did not recommend that charges be filed against her.

Authors:

Show Comments

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Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Ce (b) (6)
@MelanieDOJ

POLITICO

From:	POLITICO
Sent:	Wednesday, July 06, 2016 11:00 AM
To:	Franklin, Shirlethia (OAG)
Subject:	BREAKING NEWS: House Oversight chairman: Comey to testify Thursday

FBI Director James Comey will testify on Capitol Hill Thursday regarding the bureau's investigation of Hillary Clinton's email practices, part of a concerted GOP effort to keep the heat on Clinton heading into the party conventions and a long congressional recess.

Comey will appear before the Oversight Committee at 10 a.m., House Oversight Committee Chairman Jason Chaffetz (R-Utah) said on Wednesday morning. The hearing will be just two days after Comey's stunning repudiation of Clinton's "extremely careless" practice of using a private email server to send classified information during her tenure as secretary of State. Comey did not recommend charges be filed against her, stoking GOP outrage and propelling congressional leaders like Chaffetz to seek more information.

Chaffetz's Senate counterpart, Homeland Security and Governmental Affairs Committee Chairman Ron Johnson (R-Wis.), demanded a written explanation of Comey's decision-making on Wednesday. And House Judiciary Chairman Bob Goodlatte (R-Va.) said that Attorney General Loretta Lynch will testify next Tuesday before his panel about Clinton's email practices, as well as Bill Clinton's private meeting with Lynch in late June.

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Read more: http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

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Lewis, Kevin S. (OPA)

From:	Lewis, Kevin S. (OPA)
Sent:	Wednesday, July 06, 2016 11:03 AM
To:	Kadzik, Peter J (OLA); Newman, Melanie (OPA)
Cc:	Herwig, Paige (OAG); Pokorny, Carolyn (OAG)
Subject:	RE: Oversight Hearing

http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

Comey to testify on Clinton email probe Thursday

By Burgess Everett

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All –

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(b) (5)

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 5:55 PM
To: Axelrod, Matthew (ODAG); Pokorny, Carolyn (OAG)
Subject: FINAL

(b) (5)

Melanie R. Newman

Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Cel (b) (6)
@MelanieDOJ

From: James, Kelli D. (OPA)
Sent: Wednesday, July 06, 2016 5:55 PM
To: Newman, Melanie (OPA)
Subject:

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

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WEDNESDAY, JULY 6, 2016
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STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

WASHINGTON Attorney General Loretta E. Lynch released the following statement today regarding the State Department email investigation:

"Late this afternoon, I met with the FBI Director James Comey and career prosecutors and agents who conducted the investigation of Secretary Hillary Clinton's use of a personal email system during her time as Secretary of State. I received and accepted their unanimous recommendation that the thorough, year-long investigation be closed and that no charges be brought against any individuals within the scope of the investigation."

# # #

16-XXX

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O'Brien, Alicia C (OLA)

From:	O'Brien, Alicia C (OLA)
Sent:	Wednesday, July 6, 2016 5:59 PM
To:	Newman, Melanie (OPA); Kadzik, Peter J (OLA)
Cc:	Pokorny, Carolyn (OAG)
Subject:	RE: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

Sent to the Hill.

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 5:59 PM
To: Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA)
Cc: Pokorny, Carolyn (OAG)
Subject: FW: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

This is out.

From: USDOJ-Office of Public Affairs (SMO)
Sent: Wednesday, July 06, 2016 5:58 PM
To: USDOJ-Office of Public Affairs (SMO)
Subject: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, JULY 6, 2016
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16-782

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'Extremely Careless... Should Have Known... Potential Violations...' No Charges

FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System.

After a tremendous amount of work over the last year, the FBI is... ***Read More***

Fmr Nat'l Guard Accused of

POLITICO Huddle

From:	POLITICO Huddle
Sent:	Wednesday, July 06, 2016 7:50 AM
To:	Werner, Sharon (OAG)
Subject:	POLITICO Huddle: SANDERS MEETS WITH HOUSE DEMS THIS A.M. – House path forward on gun control murky – TOOMEY'S TOUGH TAKE ON IMMIGRATION – Dems want to free C-SPAN cameras

07/06/2016 07:46 AM EDT

By Heather Caygle (hcaygle@politico.com or @heatherscope)

With assistance from Daniel Lippman

Non-responsive record

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Non-responsive record

Non-responsive record

COMEY CALLED TO TESTIFY ON CLINTON EMAILS- Speaker Paul Ryan wants FBI Director James Comey to testify on the Hill about why the agency chose not to take action against Hillary Clinton for the "extremely careless" way she handled classified material on her private email server. Rachael with more: http://goo.gl/9aQFUj

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Non-responsive record

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Newman, Melanie (OPA)

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 10:20 AM
To: Pokorny, Carolyn (OAG); Cheung, Denise (OAG); Kadzik, Peter J (OLA); Axelrod, Matthew (ODAG); Franklin, Shirlethia (OAG); Bruck, Andrew J. (ODAG)
Subject: comey to testify tomorrow

http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

House Oversight chairman: Comey to testify Thursday

House Oversight Committee Chairman Jason Chaffetz (R-Utah) announced that FBI Director James Comey will testify before his panel on Thursday regarding the bureau's investigation of Hillary Clinton's email practices.

"Congress and the American people have a right to understand the depth and breadth of the FBI's investigation," Chaffetz said in a statement announcing that Comey had agreed to his request.

Comey called Clinton "extremely careless" for using her private email server to send classified material during her tenure as secretary of State, but he did not recommend that charges be filed against her.

Authors:

Show Comments

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Ce (b) (6)
@MelanieDOJ

POLITICO

From:	POLITICO
Sent:	Wednesday, July 06, 2016 11:00 AM
To:	Franklin, Shirlethia (OAG)
Subject:	BREAKING NEWS: House Oversight chairman: Comey to testify Thursday

FBI Director James Comey will testify on Capitol Hill Thursday regarding the bureau's investigation of Hillary Clinton's email practices, part of a concerted GOP effort to keep the heat on Clinton heading into the party conventions and a long congressional recess.

Comey will appear before the Oversight Committee at 10 a.m., House Oversight Committee Chairman Jason Chaffetz (R-Utah) said on Wednesday morning. The hearing will be just two days after Comey's stunning repudiation of Clinton's "extremely careless" practice of using a private email server to send classified information during her tenure as secretary of State. Comey did not recommend charges be filed against her, stoking GOP outrage and propelling congressional leaders like Chaffetz to seek more information.

Chaffetz's Senate counterpart, Homeland Security and Governmental Affairs Committee Chairman Ron Johnson (R-Wis.), demanded a written explanation of Comey's decision-making on Wednesday. And House Judiciary Chairman Bob Goodlatte (R-Va.) said that Attorney General Loretta Lynch will testify next Tuesday before his panel about Clinton's email practices, as well as Bill Clinton's private meeting with Lynch in late June.

The flurry of action highlights the GOP's exasperation over Comey's decision not to recommend an indictment despite his harsh words for Clinton. Republicans said the decision feeds the public perception that the Clintons are not held to the same standard as other Americans, and the GOP is set to use the matter as a electoral cudgel over the next four months.

Chaffetz called it "surprising and confusing" that Comey did not recommend an indictment; the FBI chief's criticism, in Chaffetz's view, "makes clear Secretary Clinton violated the law."

"Congress and the American people have a right to understand the depth and breadth of the FBI's investigation," Chaffetz said in a statement announcing that Comey had agreed to his request.

Across the Capitol, Johnson announced in a letter to Comey that his committee is continuing to investigate Clinton's email use. Johnson asked that Comey describe the cost and scope of the investigation of Clinton and further explain his decision-making process.

"You determined that Secretary Clinton's 'handling of very sensitive, highly classified information' was 'extremely careless.' However, you found that the actions of Secretary Clinton did not lead to a recommendation to pursue criminal charges, including charges under the 'gross negligence' standard ... What is the difference, in the FBI's view, between extreme carelessness and gross negligence?" asked Johnson in the letter. "What set of facts would cause the FBI to recommend criminal charges under the gross negligence standard?"

Meanwhile, Goodlatte will focus on Lynch, who was rebuked by members of both parties for speaking at length with Bill Clinton on an airport tarmac in Arizona last week. The interaction, which Lynch later

at length with Bill Clinton on an airport tarmac in Arizona last week. The interaction, which Lynch later admitted was a mistake, handed the GOP more ammunition surrounding the Justice Department's investigation of Hillary Clinton.

"It is uniquely troubling in light of Attorney General Lynch's secret meeting with former President Bill Clinton. No one is above the law and the American people need to know that federal law enforcement is taking this misconduct seriously," Goodlatte said.

Other Republicans want to go even further, with several GOP lawmakers calling on Wednesay for a special prosecutor to investigate Hillary Clinton.

Read more: http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

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Lewis, Kevin S. (OPA)

From:	Lewis, Kevin S. (OPA)
Sent:	Wednesday, July 06, 2016 11:03 AM
To:	Kadzik, Peter J (OLA); Newman, Melanie (OPA)
Cc:	Herwig, Paige (OAG); Pokorny, Carolyn (OAG)
Subject:	RE: Oversight Hearing

http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156

Comey to testify on Clinton email probe Thursday

By Burgess Everett

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Story Continued Below

Chaffetz's Senate counterpart, Homeland Security and Governmental Affairs Committee Chairman Ron Johnson (R-Wis.), demanded a written explanation of Comey's decision-making on Wednesday. And House Judiciary Chairman Bob Goodlatte (R-Va.) said that Attorney General Loretta Lynch will testify next Tuesday before his panel about Clinton's email practices, as well as Bill Clinton's private meeting with Lynch in late June.

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Other Republicans want to go even further, with several GOP lawmakers calling on Wednesay for a special prosecutor to investigate Hillary Clinton.

Read more: http://www.politico.com/story/2016/07/house-oversight-chairman-comey-to-testify-thursday-225156#ixzz4DdoP7N00
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From: Kadzik, Peter J (OLA)
Sent: Wednesday, July 06, 2016 10:52 AM
To: Newman, Melanie (OPA)
Cc: Herwig, Paige (OAG); Pokorny, Carolyn (OAG); Lewis, Kevin S. (OPA)
Subject: Re: Oversight Hearing

(b) (5) One in 2015 and this 2016's hearing.

Sent from my iPhone

On Jul 6, 2016, at 10:50 AM, Newman, Melanie (OPA) <mnewman@jmd.usdoj.gov> wrote:

(b) (5)

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Cell (b) (6)
@MelanieDOJ

From: Herwig, Paige (OAG)
Sent: Wednesday, July 06, 2016 10:43 AM
To: Kadzik, Peter J (OLA); Newman, Melanie (OPA); Pokorny, Carolyn (OAG)
Cc: Lewis, Kevin S. (OPA)
Subject: RE: Oversight Hearing

(b) (5)

From: Kadzik, Peter J (OLA)
Sent: Wednesday, July 06, 2016 10:41 AM

To: Newman, Melanie (OPA); Pokorny, Carolyn (OAG); Herwig, Paige (OAG)
Cc: Lewis, Kevin S. (OPA)
Subject: RE: Oversight Hearing

(b) (5) Hearing was confirmed on 5/13.

Peter J. Kadzik

Assistant Attorney General
Office of Legislative Affairs
(202) 514-2141
peter.j.kadzik@usdoj.gov

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 10:37 AM
To: Kadzik, Peter J (OLA); Pokorny, Carolyn (OAG); Herwig, Paige (OAG)
Cc: Lewis, Kevin S. (OPA)
Subject: Oversight Hearing

All –

(b) (5)

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Cell: (b) (6)
@MelanieDOJ

Axelrod, Matthew (ODAG)

From:	Axelrod, Matthew (ODAG)
Sent:	Wednesday, July 06, 2016 5:57 PM
To:	Newman, Melanie (OPA)
Cc:	Pokorny, Carolyn (OAG)
Subject:	Re: FINAL
Attachments:	Picture (Device Independent Bitmap).jpg; Picture (Device Independent Bitmap).jpg

(b) (5)

On Jul 6, 2016, at 5:54 PM, Newman, Melanie (OPA) <mnewman@jmd.usdoj.gov> wrote:

(b) (5)

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Cell: (b) (6)
@MelanieDOJ

From: James, Kelli D. (OPA)
Sent: Wednesday, July 06, 2016 5:55 PM
To: Newman, Melanie (OPA)
Subject:

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Pokorny, Carolyn (OAG)

From: Pokorny, Carolyn (OAG)
Sent: Wednesday, July 6, 2016 5:58 PM
To: Newman, Melanie (OPA); Axelrod, Matthew (ODAG)
Cc: Cheung, Denise (OAG); Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA)
Subject: RE: FINAL

+ Peter and Alicia

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 5:57 PM
To: Pokorny, Carolyn (OAG); Axelrod, Matthew (ODAG)
Cc: Cheung, Denise (OAG)
Subject: RE: FINAL

Thanks sending now.

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Cel (b) (6)
@MelanieDOJ

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To: Newman, Melanie (OPA); Axelrod, Matthew (ODAG)
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+Denise.
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Subject:

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O'Brien, Alicia C (OLA)

From:	O'Brien, Alicia C (OLA)
Sent:	Wednesday, July 6, 2016 5:59 PM
To:	Newman, Melanie (OPA); Kadzik, Peter J (OLA)
Cc:	Pokorny, Carolyn (OAG)
Subject:	RE: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

Sent to the Hill.

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

From: Newman, Melanie (OPA)
Sent: Wednesday, July 06, 2016 5:59 PM
To: Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA)
Cc: Pokorny, Carolyn (OAG)
Subject: FW: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

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Sent: Wednesday, July 06, 2016 5:58 PM
To: USDOJ-Office of Public Affairs (SMO)
Subject: STATEMENT FROM ATTORNEY GENERAL LORETTA E. LYNCH REGARDING STATE DEPARTMENT EMAIL INVESTIGATION

Department of Justice

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16-782

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White House Press Office

From: White House Press Office
Sent: Wednesday, July 06, 2016 7:11 PM
To: Werner, Sharon (OAG)
Subject: Press Briefing by the Press Secretary Josh Earnest, 7/6/2016

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release July 6, 2016

PRESS BRIEFING
BY PRESS SECRETARY JOSH EARNEST

James S. Brady Press Briefing Room

1:34 P.M. EDT

MR. EARNEST: Good afternoon, everybody.

Q Quiet a day. (Laughter.)

MR. EARNEST: You know, just a day at the office.

I do not have any announcements at the top, so we can go straight to questions. I assume there are a variety of topics we'll cover today. But, Josh, I'll let you choose where we start.

Q Great. Thanks, Josh. Why don't we start with Afghanistan? I wanted to see if you could tell us how the President feels that this troop announcement reflects on his legacy. As President, he came in wanting to disentangle the U.S. in Afghanistan and Iraq, now leaving conflicts in both of those places, as well as ones in Syria and in Libya. Does the President wish that he would have been able to finish his presidency without so many Americans still overseas in Afghanistan?

MR. EARNEST: Well, Josh, it's important for people to understand the context in which this decision is taking place. First of all, it takes place in the context of a dramatic change in the nature and scale of the U.S. presence if Afghanistan. When President Obama took office, there were about 38,000 U.S. troops in Afghanistan. The President spent much of his first year in office weighing how to fulfill the promise that he made in the context of the campaign, which is to ensure that our national security resources were focused on the real and

national security resources were focused on the real and significant enduring threat that existed in the form of core al Qaeda in the Afghanistan-Pakistan region.

And in the context of making that decision, the President made the choice -- based on recommendations from the Department of Defense and other members of his national security team -- to increase our troop presence above 100,000 troops in Afghanistan. That peak was reached around 2011 and 2012. And that surge of resources, that surge of troops on the ground had a material impact on the security situation in Afghanistan such that we have succeeded in decimating core al Qaeda in the Afghanistan-Pakistan region. We have succeeded in building up the capacity of Afghan security forces to provide for the security of their own country. We have also formed a strong and enduring relationship with the Afghan central government such that the Afghan government now is an effective partner of the United States and the rest of the international community that is focused on the situation in Afghanistan.

The President's announcement today indicated that the troop level headed into next year will be 8,400. That represents a substantial commitment on the part of the United States to the future of Afghanistan. It also represents a significant reduction in the number of men and women that the United States has in harm's way in Afghanistan. And it is also a validation of the approach that is focused on training, advising, and occasionally assisting Afghan security forces so that they can fight for their country.

This doesn't just reduce the exposure of our men and women in uniform; it also enhances the longer-term outlook for the security situation in Afghanistan. We've already tried the approach -- the previous administration tried the approach where the United States would try to impose a military solution on a country like Afghanistan. That's not a long-term solution.

So the President's approach is one that ensures a positive long-term outlook for Afghanistan. But there's also no denying that the next president will also have to make some substantial weighty decisions with regard to our ongoing relationship with Afghanistan, with regard to our ongoing strategy for countering extremists that continue to try to threaten U.S. interests that are based in Afghanistan. And there will be substantial questions to be answered and decisions to be made about our ongoing relationship with the Afghan government. But there's no denying the progress that we've made and the change that -- the relationship between the United States and Afghanistan that we have seen as a result of the decisions made by President Obama over the last eight years.

Q I wanted to drill down on what administration officials told us on a call was the administration's intention to engage with Congress on finding a way to pay for these

additional troops. Can you be more specific? Are you planning to submit a supplemental budget request? Do you have any sense of what actually the cost is for these additional troops? And are you willing to ask Congress to increase military spending to pay for these troops without also increasing domestic spending, as you've called for in the past?

MR. EARNEST: Well, Josh, let me say a couple things about our expectations. The first is, given the positive reaction that we've seen from Democrats and Republicans on Capitol Hill to this announcement, I would expect that we would see constructive engagement on the part of Congress to fulfill their responsibility to pay for this policy decision. That's their responsibility. We would expect them to fulfill it -- particularly when you consider that this is a policy that they say they support.

So this shouldn't be a situation where there needs to be a lot of arm-twisting or partisan wrangling. This is the Commander-in-Chief making a national security decision that is supported by senior leaders in both parties.

So what's also true is that Republicans spent a lot of time over the last six years or so talking about how the United States of America would benefit from Republican majorities serving in the House of Representatives in the United States Senate. Those majorities come with certain responsibilities. One of those responsibilities, among the most important of those responsibilities, is making sure that our national security efforts are properly funded.

Now, what's also true, Josh, is that our Department of Defense has indicated that this strategy for Afghanistan is a priority for them. And our men and women in uniform and our commanders in Afghanistan have said that this enhanced troop presence is a genuine priority for the Department of Defense. We would expect -- well, and what is true right now, and many of your news organizations are covering this, is that Congress right now is interested in funding a variety of projects that the Department of Defense does not at all describe as priorities.

Q But we're talking about troops here, and not these other bomber projects.

MR. EARNEST: That's true. But you're raising a question, though, about how the Congress will apportion the limited resources of U.S. taxpayers to focus on our national security priorities. And there are a number of things that do have the attention of Congress right now that our military commanders say are not priorities, but they do say that our Afghanistan presence is a priority. And so we do expect that members of Congress will listen to our commanders on the ground in Afghanistan and at the Department of Defense, at the Pentagon,

about what our priorities are and fund them accordingly.

Let me say two other things. The first is that there was a budget agreement that was reached last year, and we do expect members of Congress -- Democrats and Republicans -- to keep that commitment, to keep their word. There were many people who were advocating the passage of that agreement last year, who are touting the benefits of a two-year agreement. So they kept their commitment in year one. We expect everybody to keep their commitment in year two.

But I would acknowledge the substance of your question, which is that this is a priority and it's complicated, and it requires a substantial commitment on behalf of U.S. taxpayers. So it will require the administration working with Democrats and Republicans on Capitol Hill to make sure that the needs of our men and women in uniform are properly met.

Q That budget agreement that you discussed was predicated on a previous assumption about troop levels that was different from the one that was announced today. So I guess what I'm trying to say is, when you're talking about working with Congress like that, are you going to now go back and ask for more money to fund these troops specifically?

MR. EARNEST: Well, our expectation right now is that given the strong support on Capitol Hill from Democrats and Republicans in Congress for this policy proposal, we anticipate that we should be able to all collectively, as political leaders, fulfill our responsibility to make sure that our men and women in uniform have the resources that they need to do their job and to keep us safe. And that will require Republicans doing something that they routinely find to be quite challenging, which is putting the country's priorities ahead of their own personal political considerations.

But in this case, the stakes are high enough that that's what they must do. And given their stated support for this policy, it shouldn't be that hard for them to do it.

Q And I just wanted to ask you about a report that the British did on Iraq and the lead-up to that that was pretty damning. It talked about flawed intelligence and wholly inadequate planning. This President was obviously pretty critical of how that war started as well. Do you concur with the results of that report?

MR. EARNEST: Well, Josh, my understanding is that the report numbers some 6,000 pages. So I don't know that anybody in the U.S. government has had an opportunity to evaluate the entirety of the report. The President's longstanding opposition to the invasion of Iraq is well-known and has been extensively litigated.

What is true is that President Obama has been dealing with the consequences of that fateful decision for the entirety of his presidency, and future presidents will likely have to do the same. So that certainly would -- I guess my point is, the fact that I haven't read the report does not mean that this is an inquiry that is not worthy of careful consideration. And it is important that certainly the United States -- I'll speak for our own country here -- learn the lessons of those past mistakes.

But what is also true is that the United States and the United Kingdom have a special relationship. And the ability of the leaders of our countries to work together to focus on our common interests and to pursue them jointly has made our countries more prosperous and more safe. And I would expect that that relationship will endure, regardless of who is leading the United States and the UK. Obviously, both countries are facing some leadership transitions in the months ahead. But even as both our countries go through those transitions, I would expect that that relationship will remain special and strong.

Julia, nice to see you.

Q Thanks. Yesterday, FBI Director Comey said that while the FBI was not recommending charges against Hillary Clinton, he did say that it shouldn't be ruled out; that people who repeat that behavior in the future wouldn't be subject to security sanctions or administrative sanctions. What is the White House's view -- what's the Obama administration's view on what punishment should be in store, if not for these folks -- you might not want to talk about them -- but for future people, future staff members who don't follow the rules surrounding keeping classified emails secure?

MR. EARNEST: Look, as we've discussed from here many times and across the administration, everybody who works in this administration understands how important it is to protect national security secrets and to handle sensitive information appropriately. And that is certainly a priority. And even as there are a number of agencies that have had to deal with situations like cyber intrusions, we have worked to update our technology and to ensure that our workforce understands the appropriate steps to take to protect that information. And our expectation is that's what the professionals who work at our national security agencies will continue to do.

Q What about some members of Hillary Clinton's staff who were part of these e-mails, who Director Comey said they would know they were classified? Should their security clearances be reviewed if, for example, they were about to come in and serve with the next administration?

MR. EARNEST: Listen, I'm not going to render any judgment on that, primarily because these are the findings and

recommendations of the FBI, based on their investigation that they have been conducting. The findings and recommendations of that investigation are still being considered by prosecutors at the Department of Justice, and we've gone to great lengths to prevent any undue White House influence on that situation. So it's just going to be hard for me to react to the specific findings and recommendations of the FBI at this point.

Q Okay. So, on Afghanistan, some critics have already come out since this morning's announcement of keeping 8,400 troops, saying that the White House really should be examining strategy, not troop levels, in order to achieve more success in Afghanistan. In the reviews that came before the President when he made this decision, was there any talk of changing any part of the strategy going forward? Or is he staying the course at the end of this administration just with this level of troops instead?

MR. EARNEST: Well, Julia, I think you heard the President reference in his statement to the fact that - you heard the President in his statement reference the fact that the President meets with his team on a regular basis to get an update on the situation in Afghanistan. In the context of those meetings, the President and his national security team, including commanders on the ground, review the strategy and they evaluate which aspects of that strategy are working effectively. They evaluate those aspects of the strategy that aren't working as effectively as intended, and they consider what changes need to be made.

And there's always an ongoing effort to ensure that we are moving in the right direction and that we have a policy that is oriented to supporting the efforts of those who are bravely serving this country on the ground. And that's why the President listens so carefully to the advice that he receives from our commanders in Afghanistan and from the Department of Defense. I think today's announcement, in fact, reflects the recommendation that they put forward to the Commander-in-Chief.

But I guess to answer your question as directly as possible, there's an ongoing evaluation of the strategy because the President is determined to make sure that in order to do right by those who are putting their life on the line to protect the country that the Commander-in-Chief owes it to them to make sure that we've got the right strategy in place. And if there are aspects of our strategy that aren't working as well as intended, that we need to figure out why. And if that means we need to make changes to the strategy, the President won't hesitate to do so. If that means that we need to ask for greater contributions from our partners or our allies, the President won't hesitate to do so.

But the truth is, this situation in Afghanistan has improved because of the strategy that we do have in place. We

did succeed in decimating core al Qaeda in the Afghanistan/Pakistan region. We do have a much more effective partner in the Afghan central government because of the diplomatic efforts of officials at the State Department and other agencies. There is a much more effective Afghan security force, both in terms of law enforcement and military, that are doing a better job of securing the country.

But Afghanistan remains a dangerous place and there's still significant work that needs to be done, but there's no denying the progress that Afghanistan has made, and there's no denying the degree to which the safety of the United States has been enhanced because of the strategy that has been successfully implemented by President Obama and his national security team.

Toluse.

Q Thanks, Josh. Back on the whole idea of security sanctions for Secretary Clinton. Yesterday, Paul Ryan said that he believed that Secretary Clinton should not be given classified briefings because she was extremely careless with classified information. He said that that should be the security penalty that she should receive. What's your reaction to that?

MR. EARNEST: Well, my reaction is that I was specifically asked earlier this year about the wisdom of providing national security briefings to the Republican presidential nominee for President. Many people had raised questions about whether or not that was -- whether it was appropriate for the Republican nominee to receive those briefings. What I said at the time is that those kinds of decisions should be made by intelligence professionals who have a responsibility to set aside their own political considerations and focus on the best interest of the country.

The fact is, there is a longstanding tradition of providing briefings to the major party nominees to make a smooth transition much more likely in the event that either of them is elected President of the United States. There is a long tradition of those briefings being presented without political influence. And what the Office of the Director of National Intelligence has indicated is that they expect those briefings to move forward after the party conventions, after the parties have chosen a nominee. And the expectation that the DNI has is that they'll provide the same information to both candidates.

So that is the most effective way to handle this situation. When we're talking about the safety and security of classified information, we should leave those decisions in the hands of our intelligence professionals and not risk them being sullied by the political debate.

Q -- political influence in the political debate

political influence in the political debate. Director Comey and the Attorney General have been sort of called up to the Hill to testify about this case. Do you think that's a good idea? You mentioned that it's an ongoing case and you don't want to talk too much about it, but they've agreed to talk about this case on the Hill, publicly.

MR. EARNEST: Well, a couple things about that. The first is that the administration has, I think by any impartial measure, gone to great lengths to cooperate with even the most unfair of congressional inquiries. That is just -- that's the principle that we have lived by. What is also true is that Director Comey and Attorney General Lynch are going to make decisions based on their own expertise and their own judgment about the best way to cooperate with that Congressional oversight. They understand the importance of protecting the independence of their investigations -- Director Comey said as much yesterday in his statement.

That certainly is a consequence of the lengths that we have gone to here at the White House to prevent any undue outside influence from the White House on this ongoing matter. But as it relates to congressional influence and whether it is undue or inappropriate, I've got confidence in the ability of the Attorney General and the Director of the FBI to protect the integrity and independence of those investigations. They've been doing that for quite some time now and I'm confident that they can do so as this process continues.

Q And just one more on the e-mail situation. One of the things that Director Comey mentioned is that there were several work-related emails that were deleted by Secretary Clinton's lawyers as personal. We know that Secretary Clinton has had all of her work-related emails, the ones that she declared so far, already released. Do you believe that those work-related emails that were deleted should be released as well to the public in the same way that the previous emails were released?

MR. EARNEST: Well, Toluse, what the information that you've provided that you're asking about is information that has come to light as the result of the ongoing FBI investigation. And because the results of that investigation and the recommendations that arise from that investigation are still being considered by prosecutors at the Department of Justice, I'm just not going to be in a position to react to those details at this point.

Q Do you anticipate that, more broadly, when this investigation is over, you'll be able to discuss these types of questions and answer these questions sort of when the investigation is over, kind of discuss this in a more robust way than you are now?

MR. EARNEST: Well, look, whenever I walk out here, I

always endeavor to answer your questions to the best of my ability. In this case, there are going to be obvious limitations to that in part because I haven't seen any of the emails; in part because I wasn't privy to the decisions that were made about Secretary Clinton's email system; in part because what we're focused on when I'm standing behind this podium is the official work of the United States government, not the presidential campaign, and certainly many of the questions that have arisen have been the result of political charges that have been traded back and forth in the context of the campaign. I'm not saying that's inappropriate. I would expect a spirited debate on the campaign trail. But the focus of our time and attention in this room is on the official conduct of U.S. government business.

Mark.

Q Josh, if the situation in Afghanistan is as precarious as President Obama says, why make any reductions in troop levels at all? Why not leave it at 9,800?

MR. EARNEST: Well, Mark, this is actually based on the recommendation from our commanders on the ground about what resources are necessary to conduct the missions that the Commander-in-Chief has given them. Those missions are to provide training and assistance to the Afghan security forces and to maintain the kind of counterterrorism platform that's necessary to counter those extremists that may be plotting in Afghanistan against Western interests around the world.

So the President has been very clear about what that mission is. The Department of Defense came forward with a specific recommendation about the number of resources and the number of military servicemembers that would be required to carry out that mission. That number was a little over 8,400 and that's what the President has authorized.

Q May I ask about yesterday? His campaign event -- what is the policy of the White House about the use and display of the presidential seal at political events?

MR. EARNEST: At the White House, frankly, we have tried -- we have treated the presidential seal consistent with the way that previous Presidents have, which is that it is certainly used at official events and sometimes used at political events. That's been the case throughout the last seven years and, again, that is a precedent that dates back at least to President Truman.

The commitment that we've made before and that I would expect that we would continue to uphold is to not put the seal on the podium when the President is speaking at a fundraiser, when he is soliciting donations for political causes. And I think that's a line that we've kept to over the last seven

years. But that's -- it may be aggrandizing it to describe that as a policy, but that is a description of the way that we handle this matter.

Q How did you decide to use the seal yesterday? Do you know if the Clinton campaign asked for the seal so that the candidate could be seen speaking behind it?

MR. EARNEST: I'm not aware of any such requests from the Clinton campaign.

Q Does the same policy exist for the Vice President and his seal when he campaigns for the candidate Friday?

MR. EARNEST: I have not asked the Vice President's team about what policy they expect to have in place, but we can certainly check with them, or you can check with them, and get an answer, or we can just tune in on Friday. (Laughter.)

Jordan.

Q Thanks, Josh. I want to ask you about opioid legislation. Now that House and the Senate Republicans have voted down additional funding to attach to that bill, would the President veto that package if it landed on his desk?

MR. EARNEST: Well, Jordan, the thing that I find at least somewhat surprising is the way that Republicans in Congress continue to abdicate their basic responsibility to address an emergency. Democrats and Republicans all around the country have identified the opioid epidemic in the United States as an emergency. Public health professionals have identified this as an emergency. Mayors and governors all across the country, Democrats and Republicans, have identified the opioid epidemic in America as an emergency. Republican presidential candidates have campaigned in states across the country earlier this year and talked about how the opioid epidemic in America required a robust response. Somehow, that message has not gotten through to congressional Republicans.

The administration has gone to great lengths to try to do what we can, using the President executive authority, to try to enhance the fight against the opioid epidemic. Just yesterday, there was an announcement of a couple of steps that the Department of Health and Human Services was taking to give physicians the authority to offer medication-assisted treatment to more patients. There were announcements from the VA and the Department of Defense to improve prescription drug monitoring to prevent people from becoming addicted to opioids.

So many people all along the ideological spectrum in both parties are making the case about how this is an urgent priority. But it's only Republicans in Congress that are deaf to those calls. And I'm not really sure why. There are patriotic

Americans in Democratic and Republican congressional districts who have lost loved ones to the opioid epidemic. There are people in America right now who know they have an addiction, who have sought treatment and are unable to get it because beds in treatment facilities are not available to them.

Everyone who has spent any time looking at this issue understands that additional resources are necessary in the form of hospital beds and public health professionals to treat this problem. Thousands of Americans are in need of assistance. And passing a bill that is doing little more than paying lip service to the problem falls woefully short of Congress's basic responsibility.

Democrats have been fighting for additional resources. You'll recall that the President of the United States put forward a comprehensive proposal to fight opioid addiction in his budget. And I don't have to remind you that that billion-dollar proposal was something that Republicans in Congress were unwilling to even discuss. They canceled a hearing that had that the past 40 Congresses had previously held to evaluate the President's budget proposal. For 40 years in a row, that meeting had been held, but Republicans wouldn't even give the President's budget director the opportunity to discuss the President's budget and to discuss his specific proposal.

So Republicans don't take this seriously, and I don't understand why. So we'll see what gets passed out of conference. But if there is a bill that reaches the President's desk that is geared toward fighting the opioid epidemic but doesn't include any funding, I certainly cannot promise that the President would sign it. So we'll see what they do, but hopefully Republicans in Congress will listen to the calls from Democrats and Republicans alike who are asking for more resources to deal with this significant emergency.

April.

Q Josh, I have two subjects I want to ask you -- two total different subjects. First, I want to go back to yesterday. How did -- give us a little color off of Air Force One. How did the conversation, or the issuing of the Comey statement come up yesterday with the President and Secretary Clinton?

MR. EARNEST: Good, this is the easiest question I'm going to get all day. It did not come up.

Q So you mean to tell me they were on the plane traveling to Charlotte, never talked about it on the plane, not even when they had broke bread and had barbeque together?

MR. EARNEST: Well, Secretary Clinton did not fly back on

Air Force One with President Obama. So presumably she got to --

Q They had barbeque at the restaurant.

MR. EARNEST: Well, they got it to go, so, presumably, she was able to enjoy it on her own plane. I know that some members of the President's staff enjoyed the barbeque on Air Force One on the flight back to Washington yesterday. It was excellent.

But, no, the President takes quite seriously the need to avoid the appearance of outside influence on an ongoing investigation. The FBI Director has indicated that they have completed the investigation, but the results of that investigation and the recommendations that spring from that recommendation are still being evaluate by prosecutors at the Department of Justice. So the President did not discuss this matter with Secretary Clinton.

Again, the President and his views on this matter are not relevant because the decision that prosecutors at the Department of Justice will make will be rooted in their own expertise, their own evaluation of the facts and the evidence. And that's how they will reach their conclusions. They will do that independent of their own political preferences, and they will certainly do that independent of any preferences that the President has.

But the President takes this quite seriously, and it was not discussed by the President and Secretary Clinton on the flight yesterday.

Q Next subject. Baton Rouge, Louisiana. Alton Sterling. The President is a huge partaker of social media. Has he seen this video that has gone viral of Alton Sterling's death at the hands of police in Baton Rouge?

MR. EARNEST: The President is aware of the situation. I do not know whether or not he has watched the video. April, as you probably know, the Department of Justice announced just this morning that they would be taking a close look at this matter. And again, for reasons that are not dissimilar from what we were discussing earlier, I'm just not going to be able to comment in a lot of detail on this situation given the fact that the Department of Justice has said that they're going to take a look at the situation.

But obviously the President is aware of this. And regardless of what this investigation finds, there is a family in Baton Rouge and there is a community that is grieving right now. And obviously our thoughts and prayers are with the family that's lost a loved one.

Q So you say the President has been made very aware of

this -- well, he's aware of this. Could you tell us how? Because he started an office, My Brother's Keeper, because of situations like this. Could you tell me how he was made aware, and what has he said? And could you talk to us about the process as it relates to a possible (inaudible) or law violation that the Justice Department is looking at?

MR. EARNEST: Well, I'll let the Department of Justice talk about the process. Again, it is a process that they're going to conduct independent of any White House judgment about the situation.

But look, the President is aware of it, but I don't have a specific reaction to the news to share with you.

Q And how was he made aware of it? Did Broderick Johnson, the head of My Brother's Keeper, tell him? Did Valerie Jarrett send him an email? I mean, how did he find out?

MR. EARNEST: No, this incident has obviously garnered significant media attention, and that's how the President is aware of it.

Mark.

Q Back to the emails and congressional hearings. Is it appropriate for Congress, members of Congress to call before hearings the lead investigator and the Attorney General? Is there a danger of them asserting political influence that you say the President is so keen to avoid?

MR. EARNEST: Well, I think you're raising a legitimate question, but it's one at this point that I'm just not going to be in a position to comment on given the fact that what the FBI Director will presumably be asked to discuss is the findings of his investigation and the recommendation that that investigation prompted to the Department of Justice. And given that those findings and that recommendation are still being evaluated by the Department of Justice, I'm reluctant to weigh in on it at this point.

Q Speaker Ryan said that he should supply a point-by-point justification for the things he said yesterday. Is that appropriate?

MR. EARNEST: Well, I think -- again, the FBI Director did speak to this investigation at some length yesterday. Many people have observed that that is not the standard practice. But there is little about this matter that is standard, you might say. So I think the FBI Director did have an opportunity to be quite transparent with the American public about the investigation that was conducted, how it was conducted, what they found, and what they recommended to the Department of Justice. But I'm just not going to be able to speak on this

matter given that the findings and recommendations are still under review by the professionals at the Department of Justice.

Q So what do you think of Donald Trump's assertion that letting Clinton off the hook represents bribery of the Attorney General?

MR. EARNEST: I don't have a specific reaction to Mr. Trump's comments on this matter. Thank you for giving me the opportunity, though.

Suzanne.

Q I want to follow up on April's question about Baton Rouge. Louisiana Governor Edwards said that there were a number of White House officials who reached out to him this morning. Was the President one of them? Has the President talked to the Governor? And why has the Justice Department reacted with such speed in terms of taking over the investigation?

MR. EARNEST: The President has not made any calls to the Louisiana Governor on this matter. I can tell you that the White House officials that did place calls placed those calls prior to the announcement from the Department of Justice about the ongoing investigation. Now that the investigation is underway I would not anticipate extensive conversations about this matter between the White House and any Louisiana officials, again, out of respect for the independent Department of Justice investigation.

For the decision and speed with which the decision was made by the Department of Justice to take a close look at this matter, I'd refer you to officials at the Department of Justice. They reached that decision on their own and based on their knowledge of the facts. But exactly what factored into that decision and the timing for that decision being announced, that's something that they'll have to speak to.

Q Some of those officials, including the police chief, felt like it wasn't necessary, that, according to him, that he didn't need hand-holding and that type of thing. Is there any sense that there's some pushback for the Justice Department getting involved?

MR. EARNEST: Well, again, I'll let the police chief speak to his perspective. Obviously, the Department of Justice has made a decision based on their own expertise and based on their own knowledge of the situation to conduct an investigation. But how they reached that decision, I'll leave it to them to explain.

Q So back to the President. The video of what we did see is another African American man on the ground being shot and killed by police officers. It is under investigation, which we

know, but the family held a press conference in which his 15-yeaer-old son wailed and broke down at the loss of his father.

MR. EARNEST: It's heartbreaking.

Q Heartbreaking. Has the President seen that particular video? And just to a larger point, what does he think? What is his reaction in response to something like that happening again in our country?

MR. EARNEST: Well, listen, in response to April's question, I noted earlier the pain that is obviously being felt by this family and by this community in Baton Rouge. And we're thinking about them as they endure that grief.

But as it relates to the facts of the situation, I'm just not going to be able to get into it because the Department of Justice has taking a look at that. But this is something that the President is aware of. I don't know if he saw the news conference, but I'm certain that he's aware of the news. But we're obviously going to be deferential to the decision-making at the Department of Justice about how to pursue justice in this matter.

Megan.

Q Thank you, Josh. You're getting a lot of questions about what the President has watched in the past 24 hours. Has he watched Comey's news conference from yesterday in its entirety?

MR. EARNEST: I don't believe the President had the opportunity to watch it in its entirety in real time. There was obviously extensive news coverage of it. Those of us who did watch his news conference in real time had an opportunity to describe the news conference to him, so he certainly is aware of what transpired. But I don't believe he got to watch the entire news conference from beginning to end.

Q How did he describe it?

MR. EARNEST: Keep going, Megan.

Q I want to take another crack at the reaction to the congressional inquiry -- inquiries -- surrounding this. What about this as a use of members of Congress in terms of their time? Do you see an issue with members of Congress focusing on this particular issue?

MR. EARNEST: Well, listen, you have heard me express significant concerns about the inattention that Congress has placed on things like funding for the opioid epidemic, and to make sure that individuals who are seeking treatment can get

access to a hospital bed before they die. You have heard me discuss how important it is for Congress to act on a request that was put forward by public health professionals to fight the Zika virus. There are pregnant women and newborn babies all across the country that are at risk, and the fact is our public health professionals have not been able to do every single thing possible to protect us because they haven't gotten adequate resources and adequate funding from the United States Congress. In fact, they've gotten basically nothing from the United States Congress. I know there is essentially a talking point, though, that Congress has previously passed on Zika, but that's not going to actually get them the resources that they need to do everything possible to protect the American people.

We've certainly talked at length about how Republicans in the Senate have not done their job and given a hearing to the President's eminently qualified nominee to the Supreme Court. This individual is, based on his 19 years on the federal bench, somebody that I've described as the most experienced Supreme Court nominee in history, somebody that even Republicans have described as a consensus nominee. But yet, more than half of the Republican conference won't even meet with the man. They won't even have a conversation with him, let alone fulfill their official responsibilities to give him a hearing and give him a yes or no vote.

So there are -- again, without talking about the FBI investigation or the Director's decision to travel to Capitol Hill and talk to members of Congress about this, I'll just make the simple observation that there are significant other priorities that have languished, that Republicans have ignored, the kind of things that should be far beyond any sort of partisan wrangling. But that's, unfortunately, not how they have spent their time.

Q Are you then characterizing --

MR. EARNEST: Well, at this point, I would hesitate to characterize the interaction that Director Comey is scheduled to have with Congress later this week, simply because the investigation that he'll be discussing and the recommendations that he ostensibly will be discussing are still being considered by lawyers at the Department of Justice.

Q And I did have one question on 2016 campaigning and what's ahead for the President. Is he going to be campaigning for House and Senate candidates as well? And what's the planning there?

MR. EARNEST: Well, I don't have any additional events to announce. I can tell you the President is quite interested in making a strong case to Democrats all across the country. It was probably evident to those of you who watched the President's remarks yesterday. So I would certainly confirm your analysis

remarks yesterday. So I would certainly confirm your analysis if that's what your conclusion was.

So the President is obviously quite enthusiastic about Secretary Clinton's campaign. He described that at some length yesterday. The President is also pretty enthusiastic about a number of Democratic candidates for the Senate and House, as well. And he, I'm confident, will have an opportunity to make his case on their behalf, as well. He certainly is looking forward to that opportunity.

Q And then I'd like to hear a little bit more of the description in the back and forth on Comey's announcement.

MR. EARNEST: So you yield your time to Mr. Nichols.

Q Yes.

MR. EARNEST: Hans, go ahead.

Q How do you describe it, Josh?

MR. EARNEST: Well, listen, the President had not seen it, and I certainly described what I saw, which is the FBI Director offering a detailed public description of what his investigators had done, what they had found, and what they had recommended to the Department of Justice. Again, what was quite clear from the beginning of his statement is that he was going to go into quite a lot of detail -- and he did. And it certainly was not clear, I don't think to anybody, by the Director's own admission, exactly what the recommendation was going to be until he announced what it was. And that's how I described it.

Q Can you give us any adjectives he used, other than "quite"?

MR. EARNEST: No.

Kevin.

Q Thanks. If I could follow up for just a second. It seems to me --

Q Ask about adverbs.

Q Yeah, I should -- adverbs. (Laughter.) It seemed to me that Director Comey suggested without saying -- maybe using Washington speak -- that the Secretary lied about a number of her statements previously made about her server -- about why she used it, about whether or not classified material had been sent marked classified. He cited over 100 of those. As the leader of the party, how did the President take it when he heard that about the person that he was then going to go out and tell the people of North Carolina and, ostensibly, the people of America that this is someone you should place your trust in?

MR. EARNEST: Listen, I just don't have a presidential reaction to the investigation to share. And the reason for that is the investigation is still being evaluated by Department of Justice prosecutors.

But as it relates to the President's feelings about Secretary Clinton, the President had an opportunity to speak about them at length yesterday in Charlotte. And the President made a forceful and compelling case for someone that he has gotten to see in action, up close. He made his case in support of somebody who he started out running against and now strongly supports. And that's a pretty powerful story, particularly when you consider the President's own perspective.

As the President talked about yesterday, you don't really know what it's like to be President until you've had to sit behind that desk, in the Oval Office, and make those weighty decisions. Many of those weighty decisions are not something that are discussed publicly every day but do have a significant impact on the American people.

And the President, I think, made a robust case for why he believes that Secretary Clinton is the right person to inherit that responsibility.

Q You have may have been asked this already, but just if I might: Was there any tipoff at all that this was going to go the way that it went? And the reason I ask is I'm wondering what the contingency -- what had been, say, had the outcome been different -- would the President have continued and gone on, and done the event with the Secretary as planned?

MR. EARNEST: Kevin, I did mention this yesterday. The White House did not receive any advance notice of Director Comey's remarks. There was no advance notice given to the White House about the recommendations that Director Comey was prepared to give to the Department of Justice. In fact, there was not advance notice given to the White House that Director Comey was planning to speak, let alone what he was going to say.

So that all said, no, I'm not aware of any contingency plans that were in place. There was never a discussion that I was a part of that the President's schedule would be changed in any way.

Q VA report out today by the Commission on Care. And among the many things that were written in that report -- it was pretty damning, to be blunt -- it said that there were many profound deficiencies, that it requires urgent reform, and despite the fact that billions have been sent on making improvements, in some cases things have gotten worse. What's the White House reaction to the report as it is now? And what,

if anything, can be done to improve the conditions for the VA and Care veterans?

MR. EARNEST: Well, Kevin, what I would say is that at the administration we're not going be satisfied until every veteran across the country can get access to the benefits and health care that they deserve. And the truth is, over the last two years we've made important progress in making that a reality. The fact is that the VA has reduced the backlog of disability compensation by 90 percent over the last three years. The VA has dramatically improved the wait times for veterans who are seeking medical appointments.

There are a lot of metrics I can share, but about 97 percent of appointments are now completed within 30 days of the veteran's preferred date for that appointment to occur. Twenty-two percent of those appointments are scheduled on the same day. The average wait time for primary care is about five days. The average wait time for specialty care is about six days. That's a pretty good track record, particularly when you compare it to the private sector. And I think that would explain why nearly 90 percent of veterans, according to a recent survey, said that they are either satisfied or completely satisfied with the timeliness of their scheduled appointments.

So that, I think, is a clear indication of the critically important progress that has been made thus far. But look, there is no one in the administration who is going to be satisfied until this job is completed. So we're pleased with the progress, but there's no denying that there's a lot of important work that remains to be done.

Q And lastly, on Afghanistan. The number that you mentioned -- in 2011, more than 100,000 Americans at that point serving in Afghanistan -- has continued to dwindle down. Is there any disappointment in the fact that still, after 15 years, there are more than 8,000 Americans that will still be serving in this theater?

MR. EARNEST: Afghanistan continues to be a dangerous place. And we've made a lot of important progress in strengthening the Afghan central government, enhancing the capacity of Afghan security forces to fight for their own country, and to preserve the ability of the United States military to take action against extremists and against terrorists to protect the United States and our interests around the world.

We've been able to do that, even as we have followed through on a responsible drawdown of U.S. troops from Afghanistan. The drawdown is not all the way to zero, but we've drawn down more than 92 percent -- or about 92 percent of our previous commitment just in the last four years or so. So that's an indication that we've made a lot of important progress

in Afghanistan, both substantively in terms of the results that we'd like to see on the ground, but also in terms of following through on the President's promise to find a responsible way to bring our servicemen and women home.

Q For the record, it's Goyal's birthday. You may want to give him a shout-out.

MR. EARNEST: Oh, okay. Well, maybe we'll give him a birthday question here near the end. (Laughter.)

Byron.

Q Thanks, Josh. If the FBI determined that a current member of the President's Cabinet or another top official was extremely careless with classified information, would the President expect that official to resign, or ask him or her to resign?

MR. EARNEST: Byron, I just don't have a response to that hypothetical question.

Q Given that a number of other members of this administration have resigned for far less -- including your OPM director over a data breach, your Secret Service director over security breaches, your VA Secretary over a wait time scandal, a top Afghanistan general over comments to a magazine -- yet here you have a member of your administration being accused of carelessness, and the President has endorsed her to succeed him. How do you square that?

MR. EARNEST: Well, look, I think the President squared it yesterday in his remarks. The President made a forceful case for why he believes that she is the best person in the country to succeed him as President of the United States. And he had an opportunity to watch her up close, in action. And they started out running against each other. That relationship evolved into the two of them working together to advance our interests around the world. And now the President is pleased to offer his full-throated endorsement for her to succeed him. And the President talked about her experience and her priorities and her values that she's dedicated her career to fighting for.

So the President spoke in his own words about why exactly he believes she should be the next President of the United States. I think the President did that with obvious zeal yesterday, and I would anticipate that he'll continue to do that up and including on Election Day.

Q I got this email from someone who says he worked for a Department of Energy lab. He writes, "I would have lost my security clearance and ultimately my job if I was simply careless with classified information." I feel like that's a

common sentiment in the civil service around the government. Is the White House willing to say right now that what Secretary Clinton did was a major error in judgment? And are you willing to warn all current members of the administration not to do similar things -- run their own private email servers and conduct government business on unclassified email?

MR. EARNEST: Well, Byron, we've made clear what the policy is as it relates to the use of government email, and our expectation is that individuals who serve in the administration are using their government email for official purposes. In those rare instances in which government email is either not accessible or otherwise unavailable, use of personal email should be limited, and in each instance, that personal email should be transferred to the official government system as soon as possible so that it can be properly archived. That's been our policy for a long time and our expectation is that that's what employees will follow as they conduct the official business of the United States government. That certainly is the policy that I follow, and everyone else does, too.

But again, you're asking other questions that are related directly to the assessment that was made by the FBI Director based on their investigation and it's just not something I can react to. As long as that assessment and investigation and recommendations are being considered by prosecutors at the Department of Justice.

Q You can't warn federal employees that they shouldn't be careless with classified information?

MR. EARNEST: Well, I think I've just reiterated what our policy is and, in response to a previous question, discussed how much of a priority we have placed on the careful handling of sensitive information. But as it relates to the investigation that was completed by the FBI, we'll let that be evaluated by prosecutors at the Department of Justice and avoid any sort of outside or undue influence from the White House -- something that we've successfully done for the last year or so. And we certainly want to make sure that we do that up to the conclusion of this matter.

Jan.

Q Just to follow up on that, I mean, Secretary Clinton has said that this was absolutely permitted by the State Department. But in light of the policy that you kind of outlined, which I assume was in place or that she knew about -- I mean, did she seek legal guidance from the Counsel's Office? Or was the Counsel's Office totally caught off guard?

MR. EARNEST: Look, I have zero knowledge of the decisions that Secretary Clinton and her team made in setting up her email

system.

Q But I mean, what about the White House Counsel's Office?

MR. EARNEST: Well, again, I'm not aware of who Secretary Clinton and her team may have consulted with this matter, but you can certainly check with them on that. But the policy was in place and has been in place since the beginning.

Q So she would have been aware of that policy?

MR. EARNEST: Again, you'd have to ask her if she was aware of it, but it certainly was in place.

Q Okay, I'm just trying to -- but you have no knowledge of whether she, with this policy in place, consulted with, say, the White House Counsel's Office of any White House legal staff or team about whether or not something that may be a little different would be acceptable?

MR. EARNEST: Who Secretary Clinton may have consulted you should get from her team.

Chris.

Q Josh, neither President Obama, nor Secretary Clinton, during the campaign appearance yesterday, articulated their opposition in North Carolina's anti-LGBT House Bill 2. Meanwhile, Donald Trump said yesterday during a rally event he's a friend of the gay community, but then later told reporters he's with the state on HB-2. Did the President miss an opportunity to contrast the Democrats to Trump by not speaking out against the law?

MR. EARNEST: Chris, I think this -- again, the Department of Justice has gotten a lot of air time today. But as you know, this is a matter that is being considered by legal authorities in the administration, so that certainly contributed to the President's decision not to raise it in public yesterday.

Q But do you have any reaction to Donald Trump saying in one night he's a friend of the gay community and also with the state on House Bill 2?

MR. EARNEST: I do not have a reaction to Mr. Trump today.

Dave.

Q Thanks, Josh. I wanted to ask you about something the President said at the rally yesterday. He was talking about what a great Secretary of State Hillary Clinton was -- he said, "That was before the whole political machinery got moving. It's funny how the filter changes a bit -- same person,

moving. It's funny how she almost changes a bit -- same person, done the same work -- but that filter is a powerful thing." Was he referring in any way to the email investigation?

MR. EARNEST: No, Dave, I think what the President was referring to was that Secretary Clinton's approval ratings and the willingness of Republicans to work with her was evident while she was serving as Secretary of State. And her political standing was strong, her approval ratings obviously grew. Many people, including people in this room, observed that her approval rating as Secretary of State was higher than the President that she serves, and there was a willingness on the part of many Republicans to work with her effectively to advance our interests around the globe.

But obviously, that all changed once she left government service. And, again, I think that is a function of our political system right now -- that Republicans who were willing to work effectively with her while she was Secretary of State are now harshly criticizing her. I'll leave that to all of them to explain why that is the case, but that's what the President was referring to. He wasn't referring to this specific matter.

Q -- email investigation by the Department of Justice had nothing to do with her disapproval ratings going up?

MR. EARNEST: I don't think the -- I think the point that the President was making yesterday -- I'm just not going to talk about the investigation to the email system. The point that the President was making is that her service as Secretary of State is something that won her strong support all across the country because she served the country well, because she served the President well, because she succeeded in advancing our interests around the globe in a variety of settings. And the President is certainly proud of her service and that is what contributed to his decision to strongly endorse her candidacy for President.

John, I'll give you the last one.

Q Thanks, Josh. Last week, you mentioned that the President had talked to congressional leaders about a Zika package. How would you describe those conversations -- a negotiation now, or he is just continuing to push the original request?

MR. EARNEST: I would describe them as intensely frustrating because our public health professionals have been blunt about what resources they need to do everything possible to protect the American people from the Zika virus, and Republicans, for some reason, haven't gotten the message. And when I say Republicans, I'm referring to Republicans in Congress. Republican mayors and Republican governors and particularly in the South, where the mosquito population is larger have definitely gotten the message.

We've seen a bipartisan group of governors write a letter to Congress, urging them to act on the President's funding request. We have seen even some Republican members of the Senate strongly support the President's budget proposal.

Republicans ran for the job of serving the country in the United States Senate. They made what they thought was a strong case about how the country would benefit from a Republican majority in the House and the Senate. That comes with it significant responsibilities, including making sure that our country has the resources necessary to deal with an emergency. And when faced with this significant emergency, Republicans have not acted on the specific request that our public health professionals have made for funding. And the President has been quite disappointed by all that.

Q It looks like Congress will get out of town next week without passing anything. Is the administration preparing another reprogramming request?

MR. EARNEST: I'm not aware of any significant plan B here. The fact is, significant resources are required and the administration has already tried to reprogram some $600 million from other accounts to try to bridge the gap. But there's a whole lot more that is not being done because Republicans haven't acted. And that is contrary to the best advice that we've gotten from our public health professionals. This doesn't have anything to do with politics; it doesn't have anything to do with political parties, but it should have everything to do with Republicans in Congress fulfilling their basic responsibilities to the American people. And thus far, they have dropped the ball.

I'll give the birthday boy the last one here. Happy birthday, Goyal.

Q Thank you. How about my question on this, my birthday, that I need blessings from all my colleagues at the White House, from you and the President and your White House press office. That's all my question today, the blessing.

MR. EARNEST: All right, well, we'll find a way to get those to you before the end of the day.

Have a good day, everybody.

END 2:38 P.M. EDT

Unsubscribe

The White House 1600 Pennsylvania Avenue NW Washington DC 20500 202-456-1111

POLITICO Huddle

From:	POLITICO Huddle
Sent:	Thursday, July 07, 2016 7:00 AM
To:	Werner, Sharon (OAG)
Subject:	POLITICO Huddle: RYAN WRITES TO CLAPPER ON CLINTON – Comey testifies this morning – TRUMP HEADS TO THE HILL – Rubio out at convention – GOP V.P. PICKS DROPPING LIKE FLIES

07/07/2016 06:57 AM EDT

By Heather Caygle (hcaygle@politico.com or @heatherscope)

With assistance from Daniel Lippman and Burgess Everett

NEW THIS A.M.: RYAN WRITES TO CLAPPER ON CLINTON- House Speaker Paul Ryan is sending a letter to James Clapper, director of National Intelligence, this morning to officially request that Hillary Clinton be denied access to classified information while running for president. The move comes just hours before FBI Director James Comey testifies on the Hill about his decision not to prosecute Clinton despite her "extremely careless" handling of classified documents on a private email server. Ryan first suggested the idea of denying Clinton classified access Tuesday and is now making his request official.

"As a former vice presidential nominee, I am keenly aware that Secretary Clinton is set to begin receiving classified intelligence briefings after the Democratic National Convention," Ryan wrote. "Given the FBI's findings, denying Secretary Clinton access to classified information certainly constitutes appropriate sanctions." Huddle readers get the letter: http://goo.gl/nW9WY8

But that's not all: Ryan is also firing off a missive to Comey this morning calling on the FBI to release all unclassified findings from the bureau's investigation into Clinton's email use. "Right now, there are simply too many unanswered questions," Ryan wrote. Read the letter: http://goo.gl/ASTiSZ

What to expect from this morning's hearing: In a Tuesday phone call, Comey told House Oversight Chairman Jason Chaffetz "that he'll have to be "somewhat restrained' in answering questions, the Utah Republican said. The FBI director rarely takes questions on investigations in which the agency decides not to pursue charges. But Comey wanted to testify sooner rather than later and actually picked Thursday when speaking with Chaffetz, the lawmaker said." Rachael and Bres: http://goo.gl/M4dbaE

We're losing count: Already, five congressional committees plan to hold hearings or are requesting official information on the Clinton email probe, according to a tally from the Hill, as Republicans try to hammer the issue home before the long recess. House Minority Leader Nancy Pelosi, in an interview with USA Today, called Republicans' insistence that Comey testify a "waste of the taxpayers' dollars" and said they "can never take 'no' for an answer." http://goo.gl/6EXvCj

Related read: Will House Republicans overplay their hand on Clinton? From Paul Kane: https://goo.gl/sIO8yD

Mike Allen

From: Mike Allen
Sent: Thursday, July 07, 2016 7:54 AM
To: Werner, Sharon (OAG)
Subject: POLITICO Playbook, presented by JPMorgan Chase & Co.: TRUMP on the media and the star: 'They are racially profiling' – JOE SCARBOROUGH: 'He's got his groove back' – TRUMP beats expectations with June haul -- WASHPOST: 'fiercely competitive' fall race

07/07/2016 07:51 AM EDT

By Mike Allen (@mikeallen; mallen@politico.com) **and Daniel Lippman** (@dlippman; dlippman@politico.com)

Good Thursday morning. It's 11 days to Cleveland, 18 to Philly, and 124 to Election Day.

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DRIVING THE DAY -- House GOP takes another step in Hillary email-gate: In the latest shoe to drop in the Clinton email controversy, House Speaker Paul Ryan this morning will formally ask the Director of National Intelligence James Clapper to deny Secretary Clinton access to classified information. Ryan first discussed the idea on Tuesday during an interview with Megyn Kelly, and this morning he'll make the formal request in a letter. ***Letter*** http://bit.ly/29Aenqe

Additionally, Ryan this morning will send a letter to FBI Director James Comey requesting that he release all of the unclassified findings from the Bureau's investigation. Comey is testifying today before the House Oversight and Government Reform Committee. ***Letter*** http://bit.ly/29m2FxA

BROOKLYN MINDMELD - Per a Clinton official: "House Republicans are overreaching yet again. Just one week after their two-year, $7.1 million investigation into the Benghazi attacks turned up nothing new, Chaffetz and House Republicans are launching another partisan sham of an investigation, this time over emails. The same Republicans who were praising FBI Director Comey just days ago are now questioning his independence because they didn't get the outcome they wanted from the FBI. With today's hearing, Republicans are playing into the very narrative of taxpayer-funded stunts that Speaker Ryan was trying to avoid last February when he stopped Chaffetz from launching any email-focused probes." http://bit.ly/29lsyxg

--FLASHBACK - Feb. 4, Politico's Jake Sherman and Rachael Bade: "Ryan, McCarthy again tell Chaffetz to stay away from Clinton" http://politi.co/1o9XWGf

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O'Brien, Alicia C (OLA)

From:	O'Brien, Alicia C (OLA)
Sent:	Thursday, July 07, 2016 1:30 PM
To:	Kadzik, Peter J (OLA); Herwig, Paige (OAG); Prober, Raphael (ODAG); Pokorny, Carolyn (OAG); Rodenbush, Patrick (OPA)
Cc:	Pings, Anne (OLA)
Subject:	Cornyn Letter to AG Lynch
Attachments:	Clinton Letter to AG Lynch-Correction.pdf

FYI; we've confirmed receipt.

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

JOHN CORNYN
TEXAS

United States Senate

WASHINGTON, DC 20510–4305

July 7, 2016

The Honorable Loretta Lynch
Attorney General
United States Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Attorney General Lynch:

On July 5, 2016, the Director of the Federal Bureau of Investigation (FBI) announced in a lengthy press conference that the FBI was officially recommending that "no charges are appropriate" in the investigation of former Secretary of State Hillary Clinton's use of a personal email system during her time as Secretary of State. The Director made this recommendation even though the FBI found that "there is evidence of potential violations of the statutes regarding the handling of classified information," including evidence that "Secretary Clinton or her colleagues … were extremely careless in their handling of very sensitive, highly classified information." In doing so, the Director specifically pointed to seven e-mail chains concerning Top Secret information, some of which apparently "bore markings indicating the presence of classified information." These conclusions, among others, directly contradict many of the public statements that former-Secretary Clinton and her supporters have made in defense of her unprecedented conduct. Nevertheless, yesterday you accepted his recommendation and, in a terse, two-sentence statement, announced that "the thorough, year-long investigation" was now closed and that "no charges [would] be brought against any individuals within the scope of the investigation."

The Director's lengthy public statement was "unusual," as he noted, but he asserted that "the American people deserve … details in a case of intense public interest," and that "given the importance of the matter, … unusual transparency is in order." His public statement, he said, was an effort to "assure the American people … that this investigation was done competently, honestly, and independently. No outside influence of any kind was brought to bear." In contrast, your public announcement contained no similar disclosures or otherwise provided the American people with much needed transparency and information about that investigation.

For more than a year, I also have noted that this case was incredibly important and highly unusual and that the American people deserved a fair and impartial investigation. That's why I called for you to appoint a Special Counsel in this matter. The need for a Special Counsel, the appointment of which would give the American people greater transparency and assurance of independence, was underscored after you decided to meet privately with Secretary Clinton's husband just days before the Director's public announcement and the conclusion of that

investigation. I will continue to press for this appointment because I believe it is the best and most appropriate way for the American people to have faith in the administration of justice in this case.

In the meantime, and because the Director and I both agree about the importance of this matter and the need for unusual transparency, I call on the Department of Justice to immediately release the FBI's report and any transcript of the FBI's three-and-a-half hour interview of former-Secretary Clinton on July 2. As you know, such interview reports often become public when a criminal investigation results in a criminal prosecution. And the Federal Rules of Criminal Procedure require the Department of Justice to provide an interview report directly to a criminal defendant. Of course, here you have declined to appoint a Special Counsel and the FBI has decided that "no reasonable prosecutor would bring such a case," so the American people will not enjoy the same transparency that they have come to expect from their own government. But as the Director said, "only facts matter," and the American people deserve the facts underlying former-Secretary Clinton's FBI interview to evaluate the Department of Justice's conclusions and the public statements that former-Secretary Clinton and her supporters have made regarding her use of a personal email system and her egregious handling of classified information.

Sincerely,



JOHN CORNYN
United States Senator

POLITICO Huddle

From: POLITICO Huddle
Sent: Friday, July 8, 2016 8:22 AM
To: Werner, Sharon (OAG)
Subject: POLITICO Huddle: CONGRESSIONAL CONDOLENCES AFTER DALLAS – Trump takes on Capitol Hill critics – CLINTON PROBE UNLEASHES NEW PAUL RYAN – GOP may be Uber free at convention – REP. BROWN IN FLORIDA COURT TODAY

07/08/2016 08:19 AM EDT

By Heather Caygle (hcaygle@politico.com or @heatherscope)

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PAUL RYAN 2.0- When it comes to scandal, wonky House Speaker Paul Ryan generally tries to stay about the fray. At least until this week, when the FBI announced it wouldn't pursue charges against Hillary Clinton for mishandling classified information as secretary of State. Rachael with the story: "Ryan jumped with both feet into the Clinton email controversy this week after avoiding it for well over a year. ... The speaker's office is even considering offering a House companion measure to a Senate proposal that would revoke security clearance for Clinton and her closest staffers, according to senior GOP leadership aides."

Reality check: "While the idea is mostly symbolic - President Barack Obama would never sign such legislation into law - Ryan's actions amount to a sea change in tone and posture for the Wisconsin Republican, who tends to favor white papers and budget charts over partisan finger-pointing and scandal-hunting." http://goo.gl/gHQd4m

Related read: House Republicans grilled FBI Director James Comey over the Clinton email decision

Thursday. There weren't any "bombshell revelations" during the five-hour hearing but some of Comey's statements could be used by Republicans in attack ads leading up to the election. Seung Min with the wrap up: http://goo.gl/EZx22z

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Newman, Melanie (OPA)

From:	Newman, Melanie (OPA)
Sent:	Sunday, July 10, 2016 10:11 AM
To:	Carlisle, Elizabeth Former Attorney General Lynch's Official DOJ Email Address
Cc:	Pokorny, Carolyn (OAG); Herwig, Paige (OAG); Cheung, Denise (OAG); Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA)
Subject:	Fwd: WH Travel Pool 8c: Comments on Clinton emails/fuller BLM quotes

AG Lynch and team -

FYI on the below from POTUS.

Begin forwarded message:

From: White House Press Office <noreply@messages.whitehouse.gov>
Date: July 10, 2016 at 10:09:13 AM EDT
To: <melanie.newman@usdoj.gov>
Subject: Fwd: WH Travel Pool 8c: Comments on Clinton emails/fuller BLM quotes
Reply-To: <noreply@messages.whitehouse.gov>

Sent from my iPhone

Begin forwarded message:

From: "Memoli, Michael"
<michael.memoli@latimes.com<mailto:michael.memoli@latimes.com>>
Date: July 10, 2016 at 3:58:36 PM GMT+2
To: "Allen, Jessica L. EOP/WHO"
<jessica_l_allen@who.eop.gov<mailto:jessica_l_allen@who.eop.gov>>
Subject: WH Travel Pool 8c: Comments on Clinton emails/fuller BLM quotes

On the issue of Clinton emails, POTUS again declined to address it specifically.

"The FBI director took the extraordinary step of explaining in methodical fashion how they arrived at their conclusion. The attorney general accepted the recommendation of investigators. And as a consequence I think it's inappropriate for me to second guess or comment."

He then addressed again the larger issues of transmitting information in real time but ensuring it is not mishandled. "Without commenting on what Director Comey said I can say that Secretary Kerry is and has been concerned about this generally and has stood up initiatives to try to improve those information flows and that I'm concerned about this throughout the government generally. It just has a particular salience when you're talking about diplomatic cables and issues involving national security. ... I don't think we have it perfectly solved."

He noted Wikileaks was a big piece of this which exposed vulnerabilities including hacking in the White House.

Fuller BLM quotes. As always check against transcript:

Referring to the ability to speak truth to power in America: "That is sometimes messy and controversial. But because of that ability to protest and engage in free speech, America over time has gotten better. We've all benefited from that."

Alluding to past movements, including for abolition and women rights, "activists might have engaged in rhetoric that was overheated and occasionally counterproductive. But the point was to raise issues so that we as a society could grapple with them.
What we're seeing now is part of that long standing tradition.

"Whenever those of us who are concerned about fairness in the criminal justice system attack police officers, you are doing a disservice to the cause. First of all, any violence directed at police officers is a reprehensible crime and needs to be prosecuted. But even rhetorically, if we paint police in broad brush without recognizing that the vast majority of police officers are doing a really good job and are trying to protect people and do so fairly and without racial balance, if the rhetoric does not recognize that, then we're going to lose allies in the reform cause. "

"In a movement like Black Lives Matter there are always going to be folks who say things that are stupid or imprudent or over generalized or harsh. And I don't think that you can hold well-meaning activists who are doing the right thing, peacefully protesting, responsible for everything that is uttered at a protest site."

"I would just say that everybody who's concerned about the issue of police shootings or racial bias in the criminal justice system, that maintaining a truthful and serious and respectful tone is going to help mobilize American society to bring about real change. And that is our ultimate objective."

POTUS said this week people felt hurt and angry. "Some of this is just venting." But what most in the BLM really want to see is a better relationship with police. And they have allies in police departments like the one in Dallas. "That's part of why it's so tragic that those officers were targeted in Dallas, a place that is because of its transparency and training and openness and engagement has drastically brought down the number of police shootings."

Lastly, POTUS said that just as he hopes those in BLM "maintain a respectful, thoughtful tone," he said he hoped "that police organizations are also respectful of the frustrations that the people in these communities feel. And not just dismiss these protests and these complaints as political correctness or as politics or attacks on police. There are legitimate issues that have been raised. And there is data and evidence to back up the concerns that are being expressed."

"If police organizations and departments acknowledge that there's a problem and that there's an issue, then that too is going to contribute to real solutions."

"It is in the interests of police officers that their communities trust them and that the kind of rancor and suspicion that exists right now is alleviated. I'd like all sides to listen to each other, and that's we'll hopefully be able to accomplish over the course of the next week and the course of the remaining months that I am president."

Mike Memoli
Los Angeles Times / Tribune Washington Bureau
(b) (6) (office)
(b) (6) (mobile)
@mikememoli (twitter)
>http://lat.ms/1IzozGu<

Unsubscribe

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

Anna Palmer and Jake Sherman

From:	Anna Palmer and Jake Sherman
Sent:	Monday, July 11, 2016 7:35 AM
To:	Werner, Sharon (OAG)
Subject:	POLITICO Playbook, presented by Quicken Loans: EXCLUSIVE: Ryan to speak at GOP convention -- Bernie rallying with Clinton Tuesday -- TRUMP expands communication team – Krone's retirement gift for Reid – B'DAY: Garrett Graff, Corey Boles

View online version

Today's PLAYBOOK presented by Quicken Loans

07/11/2016 07:32 AM EDT

By ANNA PALMER (apalmer@politico.com; @apalmerdc) and JAKE SHERMAN (jsherman@politico.com; @JakeSherman) with DANIEL LIPPMAN (dlippman@politico.com; @dlippman)

Inside today's POLITICO Playbook, presented by Quicken Loans: EXCLUSIVE: Ryan to speak at GOP convention -- Bernie rallying with Clinton Tuesday -- TRUMP expands communication team - Krone's retirement gift for Reid - B'DAY: Garrett Graff, Corey Boles

DRIVING THE DAY

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THE PLAYBOOK INTERVIEW: SPEAKER PAUL RYAN

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--**On whether Clinton perjured herself:** "I think we need to figure it out. I don't want to get ahead of that ... [House Republicans] have to ask [FBI Director James] Comey to look at that. So I don't know the answer to that, but that's something we should look at."

Non-Responsive Record

Non-Responsive Record

Non-responsive record

RARE OP-ED by Clinton consigliere David Kendall, "Whitewater was no close call for prosecutors": "Putting aside significant ethical questions about the propriety of prosecutors casually reminiscing, decades later, about the potential guilt of subjects who were never charged, the facts speak for themselves. While independent counsel Kenneth W. Starr and his staff may have secretly hoped for and ruminated about the possibility of bringing a criminal case against Clinton, they never even presented an indictment to the many grand juries they used." http://wapo.st/29wCrh8

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Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

O'Brien, Alicia C (OLA)

From:	O'Brien, Alicia C (OLA)
Sent:	Monday, July 11, 2016 11:44 AM
To:	Kadzik, Peter J (OLA); Herwig, Paige (OAG); Rodenbush, Patrick (OPA); Prober, Raphael (ODAG); Pings, Anne (OLA)
Subject:	Fwd: Letter from Sen. Ron Johnson-Chairman HSGAC to Attorney General Lynch
Attachments:	2016-07-11 RHJ to DOJ (FBI investigation into Clinton).pdf; ATT00001.htm

Begin forwarded message:

From: "Wittmann, Scott (HSGAC)" (b) (6)
To: "Burton, Faith (OLA)" <fburton@jmd.usdoj.gov>, "O'Brien, Alicia C (OLA)" <aobrien@jmd.usdoj.gov>, "DOJ Correspondence (SMO)" <Ex_DOJCorrespondence@jmd.usdoj.gov>
Cc: "Brewer, David (HSGAC)" <(b) (6) "Lueptow, Michael (HSGAC)" <(b) (6) 'Maddox, Rebecca (HSGAC)" <(b) (6)
Subject: Letter from Sen. Ron Johnson-Chairman HSGAC to Attorney General Lynch

Attached please find a signed letter from Senator Ron Johnson, Chairman of the Senate Homeland Security and Governmental Affairs Committee to Attorney General Lynch. The original will be dropped in the mail today.

Please acknowledge receipt of this message and attachment. Thank you.

Scott Wittmann
Committee on Homeland Security and Governmental Affairs
Senator Ron Johnson, Chairman
(b) (6)

RON JOHNSON, WISCONSIN, CHAIRMAN

JOHN McCAIN, ARIZONA
ROB PORTMAN, OHIO
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THOMAS R. CARPER, DELAWARE
CLAIRE McCASKILL, MISSOURI
JON TESTER, MONTANA
TAMMY BALDWIN, WISCONSIN
HEIDI HEITKAMP, NORTH DAKOTA
CORY A. BOOKER, NEW JERSEY
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KEITH B. ASHDOWN, STAFF DIRECTOR
GABRIELLE A. BATKIN, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510–6250

July 11, 2016

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
Washington, DC 20530

Dear Attorney General Lynch:

The Committee on Homeland Security and Governmental Affairs continues to examine former Secretary of State Hillary Clinton's use of a private e-mail account and server during her time at the U.S. State Department. As a part of this examination, I request information about the resources that government agencies, including the Department of Justice, dedicated to cooperating with the Federal Bureau of Investigation's (FBI) examination into Secretary Clinton's use of a personal e-mail system.

On July 5, 2016, FBI Director James Comey announced the findings and recommendation of the FBI's investigation into Secretary Clinton. Director Comey described the FBI's investigation, including assistance that the FBI received from other federal agencies.

Director Comey stated that FBI investigators "read all of the approximately 30,000 e-mails provided by Secretary Clinton to the State Department in December 2014."[1] Director Comey explained that:

> Where an e-mail was assessed as possibly containing classified information, the FBI referred the e-mail to any U.S. government agency that was a likely "owner" of information in the e-mail, so that agency could make a determination as to whether the e-mail contained classified information at the time it was sent or received, or whether there was reason to classify the e-mail now, even if its content was not classified at the time it was sent . . . .[2]

Additionally, Director Comey stated that the FBI "discovered several thousand work-related e-mails that were not in the group of 30,000 that were returned by Secretary Clinton to State in 2014," in part by "reviewing the archived government e-mail accounts of people who had been government employees at the same time as Secretary Clinton, including high-ranking officials at other agencies, people with whom a Secretary of State might naturally correspond."[3]

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[1] Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System, Washington, D.C. (July 5, 2016).
[2] *Id.*
[3] *Id.*

Finally, Director Comey stated that the FBI "interviewed many people, from those involved in setting up and maintaining the various iterations of Secretary Clinton's personal server, to staff members with whom she corresponded on e-mail, to those involved in the e-mail production to State, and finally, Secretary Clinton herself."[4]

In light of Director Comey's statements regarding the assistance that the FBI received from other agencies, I write to better understand the resources that the Department of Justice—other than the FBI—employed to cooperate with the FBI and other federal agency investigations. Accordingly, I request that you please provide the following information and materials:

1. The total number of Department of Justice employees who performed work related to federal agency investigations of Secretary Clinton's use of a private e-mail account and server.

2. A list of all Department of Justice components and resources that have worked or been consulted on federal agency investigations of Secretary Clinton's use of a private e-mail account and server.

3. An estimate of the total cost associated with the Department of Justice's cooperation with federal agency investigations of Secretary Clinton's use of a private e-mail account and server.

4. The total number of e-mails that the FBI referred to the Department of Justice for a determination of whether the e-mail contained classified information, either at the time it was transmitted or presently.

Please provide this information as soon as possible, but no later than 5:00 p.m. on July 25, 2016. If you have any questions about this request, please ask your staff to contact Mike Lueptow or Scott Wittmann at (b) (6) . Thank you for your prompt attention to this matter.

Sincerely,

Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

[4] *Id.*

POLITICO Huddle

From:	POLITICO Huddle
Sent:	Tuesday, July 12, 2016 7:51 AM
To:	Werner, Sharon (OAG)
Subject:	POLITICO Huddle: LYNCH TESTIFIES ON CLINTON THIS A.M. – Huelskamp wants a little establishment help – CORNYN HEADS TO DALLAS, BUT NOT ON AF1 – The Pony Express rides again

07/12/2016 07:49 AM EDT

By Heather Caygle (hcaygle@politico.com or @heatherscope)

With assistance from Seung Min Kim and Daniel Lippman

Non-responsive record

LYNCH TESTIFIES ON CLINTON THIS A.M.- Attorney General Loretta Lynch will testify before the House Judiciary Committee this morning on her impromptu meeting with Bill Clinton amid the then-ongoing investigation into Hillary Clinton's email use while secretary of State. Judiciary Committee Chairman Bob Goodlatte and Oversight Committee Chairman Jason Chaffetz asked DOJ on Monday to investigate whether Clinton perjured herself on the email controversy while testifying before the Benghazi Committee late last year. Rachael with the story: http://politi.co/29slgvU

Non-responsive record

O'Brien, Alicia C (OLA)

From: O'Brien, Alicia C (OLA)
Sent: Tuesday, July 12, 2016 8:37 AM
To: Herwig, Paige (OAG); Pokorny, Carolyn (OAG)
Subject: FW: Daily News Clips 7-12-16 AM

FYSA

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

From: Lichtenstein, Alexandra R. (OLA)
Sent: Tuesday, July 12, 2016 8:33 AM
To: OLA (JMD)
Subject: Daily News Clips 7 12 16 AM

Non-responsive record [redacted]

House Judiciary Committee
Goodlatte & Gowdy Lead Letter Signed by 200 Members Pressing Director Comey About Clinton Investigation (Goodlatte – 7/11): https://judiciary.house.gov/press-release/goodlatte-gowdy-lead-letter-signed-200-members-pressing-director-comey-clinton-investigation/

Goodlatte, Chaffetz Request Perjury Investigation of Hillary Clinton (Goodlatte – 7/11): https://judiciary.house.gov/press-release/goodlatte-chaffetz-request-perjury-investigation-hillary-clinton/

Non-responsive record [redacted]

Conyers: Let's Use Our Time with Ag Lynch to Focus on Substantive Issues That Impact Our Nation (Conyers – 7/11): https://democrats-judiciary.house.gov/news/press-releases/conyers-let-s-use-our-time-ag-lynch-focus-substantive-issues-impact-our-nation

Non-responsive record [redacted]

Non-Responsive Record [redacted]

House Oversight Committee

Cummings Issues Statement on Desperate Republican Efforts to Attack Clinton (Cummings – 7/11): http://democrats.oversight.house.gov/news/press-releases/cummings-issues-statement-on-desperate-republican-efforts-to-attack-clinton

Non-responsive record

News

Attorney general scheduled to testify before House Judiciary Committee on Clinton email investigation (Washington Post – 7/12): https://www.washingtonpost.com/world/national-security/attorney-general-scheduled-to-testify-before-house-judiciary-committee-on-clinton-email-investigation/2016/07/11/2dfb746c-479e-11e6-90a8-fb84201e0645_story.html?hpid=hp_hp-more-top-stories_attorneygeneral-720a-stream%3Ahomepage%2Fstory

Congressmen ask U.S. Attorney's Office to investigate Clinton for perjury (Washington Post – 7/11): https://www.washingtonpost.com/world/national-security/congressmen-ask-feds-to-investigate-clinton-for-perjury/2016/07/11/a76a230a-47af-11e6-90a8-fb84201e0645_story.html?hpid=hp_hp-top-table-main_clintonemail-0935pm%3Ahomepage%2Fstory

House GOP raises pressure on FBI over Clinton (The Hill – 7/11): http://thehill.com/policy/national-security/287279-house-gop-ramps-up-demands-on-fbi-chief-about-decision-in-clinton

Non-responsive record [redacted]

Clinton camp: FBI director 'said some very helpful things' in hearing (Politico – 7/12): http://www.politico.com/story/2016/07/brian-fallon-fbi-james-comey-225403

Newman, Melanie (OPA)

From:	Newman, Melanie (OPA)
Sent:	Tuesday, July 12, 2016 11:17 AM
To:	Pokorny, Carolyn (OAG); Herwig, Paige (OAG); Kadzik, Peter J (OLA); O'Brien, Alicia C (OLA)
Subject:	WaPo coverage

Attorney general declines to provide any

details on Clinton email investigation

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice
Direct: 202-305-1920
Cell: (b) (6)
@MelanieDOJ

U.S. Attorney General Loretta Lynch is scheduled to testify before the House Judiciary Committee on Tuesday. (Jim Watson/AFP/Getty Images)

By Matt Zapotosky
National Security
July 12 at 7:00 AM

U.S. Attorney General Loretta E. Lynch repeatedly declined to answer any questions on Tuesday

about her department's investigation into Hillary Clinton's use of a personal email server while she was secretary of state, making for a bizarre congressional hearing in which she referred questions about the matter to a man lower than her on the organizational chart.

At the outset of her testimony before House Judiciary Committee on Tuesday, Lynch said it would be "inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation."

That put her in contrast with FBI Director James Comey, who answered questions for nearly five hours last week about how he concluded Clinton should not face criminal charges.

CONTENT FROM PHILIPS

How data can inform value-based healthcare

Hospital systems are using data to inform decision making in the drive towards new value-based care delivery.

When Republican legislators pressed for details, Lynch directed their inquiries to Comey, who sits lower on the Department of Justice's organizational chart.

"He's chosen to provide detailed statements, and I would refer you to those statements," Lynch said. "I as Attorney General am not able to provide any further comment on the facts or the substance of the investigation."

Lynch had announced last week that she was accepting the recommendation of the FBI director

and federal prosecutors and closing the probe involving the presumptive Democratic presidential nominee, but the controversy is far from resolved. The hearing Tuesday marked the first time Lynch has been questioned about the decision publicly.

Republicans have been waging an aggressive campaign to keep Clinton's email practices in the news, and the issue presents a challenge to her presidential aspirations. A new Washington Post-ABC News poll found that a majority of Americans — 56 percent — disapproved of the FBI director's recommendation not to charge Clinton, and 57 percent said the issue made them at least somewhat worried about how she might handle her responsibilities as president.

[
56 percent of Americans disapprove of FBI decision to exonerate Hillary Clinton

]

When Comey publicly defended his recommendation that Clinton not face charges for mishandling classified information, he delivered a stinging public critique of her email practices and revealed facts that call into question her explanations of the matter.

He has said classified material traversed Clinton's private server, and at least three documents bore subtle classification markings. He has conceded that there was "evidence of mishandling" classified information in Clinton's setup and that an FBI employee who did the same thing "would face consequences for this." He also has said that he believed Clinton was "extremely careless" and "negligent."

A Clinton campaign spokesman has said of Comey's testimony: "While Republicans may try to keep this issue alive, this hearing proved those efforts will only backfire."

The hearing with Lynch, which began at 10 a.m. and was ongoing at 10:50 a.m., was scheduled before Comey made his recommendation not to charge Clinton. Chairman Bob Goodlatte (R-Va.) said in a statement that other issues will be discussed, ranging from the mass shootings in Orlando and San Bernardino, Calif., to the impact of technological advancements on law enforcement.

But Goodlatte said the decision not to charge Clinton would be addressed because it raised "serious concerns," adding that it was "uniquely troubling" that Lynch met with former President Bill Clinton aboard her plane in Arizona before the decision had been made to close the case.

[
Attorney general meets with former president Clinton amid politically charged investigation into his wife's email
]

"No one is above the law and the American people

No one is above the law and the American people need to know that federal law enforcement is taking this misconduct seriously," Goodlatte said.

Lynch has addressed the meeting with Bill Clinton, saying that it happened spontaneously because the two happened to be at the same airport in Phoenix at the same time. She has asserted that no cases were discussed. Lynch has acknowledged, though, that questions about the encounter are "reasonable," and given a second chance, she would not do it again.

Soon after the meeting was publicly reported, Lynch announced that she would accept the recommendation of the career prosecutors and FBI agents looking into Clinton's email use in a bid to quell concerns that politics were influencing the investigation. When Comey announced he was recommending no charges be filed, he said he was doing so without having told the attorney general beforehand.

Read more:

O'Brien, Alicia C (OLA)

From:	O'Brien, Alicia C (OLA)
Sent:	Tuesday, July 12, 2016 5:31 PM
To:	Kadzik, Peter J (OLA); Herwig, Paige (OAG); Prober, Raphael (ODAG); Rodenbush, Patrick (OPA); Newman, Melanie (OPA)
Subject:	FW: Letter to AG Lynch Re Clinton Special Prosecutor
Attachments:	Letter to AG Lynch Re Clinton Special Prosecutor.pdf

FYSA (receipt confirmed).

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

From: Yazdani, Ebbie [mailto(b) (6)
Sent: Monday, July 11, 2016 5:15 PM
To: DOJ Correspondence (SMO)
Subject: Letter to AG Lynch Re Clinton Special Prosecutor

Hello,

I've attached a copy of a letter Rep. Salmon and 43 cosigners are sending to Attorney General Lynch calling for the appointment of a Special Prosecutor in the Clinton case. Let me know if any additional information is needed.

Best,

Ebbie Yazdani
Legislative Assistant
Office of Congressman Matt Salmon (AZ-05)
2349 Rayburn House Office Building
(b) (6)

Congress of the United States
Washington, DC 20515

July 11, 2016

Attorney General Loretta Lynch
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Lynch,

Recently, Federal Bureau of Investigation (FBI) Director James Comey issued a statement describing the results of an ongoing Justice Department investigation into the use of a private e-mail server by Hillary Clinton during her tenure as Secretary of State. According to Director Comey, of the 30,000 emails that Secretary Clinton turned over to the State Department, investigators found 110 emails in 52 email chains that contained classified information "at the time they were sent or received." Eight of those email chains contained information classified as "top secret."

Director Comey stated that there was evidence that Secretary Clinton and her colleagues were "extremely careless in their handling of very sensitive, highly classified information." Further, Director Comey admitted that it is possible that "hostile actors gained access to Secretary Clinton's personal e-mail account."

As a result of this thorough investigation, and after outlining the numerous ways Secretary Clinton and her staff potentially violated the law, Director Comey announced that he would not recommend prosecution because the FBI could not prove that it was Secretary Clinton's intent to violate the law. However, under federal law, 18 U.S.C. Sec. 793(f), mere "gross negligence" in the transmission of information related to the national defense is a crime subject to fine and/or imprisonment.

We share the concerns of the American people that an investigation as important as this ought not to be subject to political pressures. There is ample precedent, notably in the Valerie Plame case, of the Attorney General stepping aside and appointing a special prosecutor to a particularly high profile case, such as this one, in order to ensure the most independent investigation possible. In that case, then-acting Attorney General James Comey stepped aside and appointed a Special Prosecutor pursuant to sections 509, 510, and 515 of Title 28 of the U.S. Code to properly investigate the matter.

It is important to note that Director Comey, in stating that the FBI could not find facts that would support bringing criminal charges, conceded that any other person handling sensitive, classified information in similar circumstances would be subject to security or administrative sanctions, but that these steps were not being considered at the present moment. Furthermore, given that there is clear evidence of the mishandling of sensitive information, the FBI's recommendation that no charges be filed potentially demonstrates to the American people that the political class is above prosecution. In light of the circumstances of this case, we respectfully request that you, pursuant to your authority under federal law, appoint a Special Prosecutor to formally investigate the

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matter of Secretary Clinton's negligent use of a private e-mail server to transmit classified information related to United States national security. Doing so will help preserve the independence of our legal system and further promote this important principle in the American legal tradition.

Please do not hesitate to contact us to discuss this request.

Sincerely,

Rep. Matt Salmon
Member of Congress

Rep. Jeff Miller
Member of Congress

Rep. Michael Burgess, M.D.
Member of Congress

Rep. Barry Loudermilk
Member of Congress

Rep. Jeff Duncan
Member of Congress

Rep. Raul Labrador
Member of Congress

Rep. Steve Pearce
Member of Congress

Rep. Mick Mulvaney
Member of Congress

Rep. Jim Jordan
Member of Congress

Rep. Gary Palmer
Member of Congress

Rep. Dave Brat
Member of Congress

Rep. Tim Huelskamp
Member of Congress

Rep. Ted Yoho
Member of Congress

Rep. Steve King
Member of Congress

Rep. Scott DesJarlais
Member of Congress

Rep. Paul Gosar, D.D.S.
Member of Congress

Rep. John Fleming, M.D.
Member of Congress

Rep. Jim Bridenstine
Member of Congress

Rep. Sean Duffy
Member of Congress

Rep. Earl 'Buddy' Carter
Member of Congress

Rep. Trent Franks
Member of Congress

Rep. Mark Meadows
Member of Congress

Rep. Scott Perry
Member of Congress

Rep. Brian Babin
Member of Congress

Rep. Dan Newhouse
Member of Congress

Rep. Gregg Harper
Member of Congress

Rep. Sam Johnson
Member of Congress

Rep. Lynn Westmoreland
Member of Congress

Rep. Andy Harris, M.D.
Member of Congress

Rep. Mo Brooks
Member of Congress

Rep. Doug Collins
Member of Congress

Rep. H. Morgan Griffith
Member of Congress

Rep. Jody Hice
Member of Congress

Rep. Pete Olson
Member of Congress

Rep. Glenn Grothman
Member of Congress

Rep. Bradley Byrne
Member of Congress

Rep. Robert Pittenger
Member of Congress

Rep. David Rouzer
Member of Congress

Rep. Kevin Cramer
Member of Congress

Rep. Austin Scott
Member of Congress

Rep. Trent Kelly
Member of Congress

Rep. Steven Palazzo
Member of Congress

Rep. Garret Graves
Member of Congress

Rep. Rick Allen
Member of Congress

POLITICO Huddle

From:	POLITICO Huddle
Sent:	Wednesday, July 13, 2016 7:57 AM
To:	Werner, Sharon (OAG)
Subject:	POLITICO Huddle: THE ORIGINAL TRUMP HOLDS OUT VP HOPES – Clock ticks on IRS impeachment dilemma – RBG in hot water with both sides – CORNYN POLICING BILL COMING TODAY – GOP goes all in for Snapchat

07/13/2016 07:54 AM EDT

By Heather Caygle (hcaygle@politico.com or @heatherscope)

With assistance from Rachael Bade and Daniel Lippman

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LYNCH STONEWALLS GOP- Attorney General Loretta Lynch stonewalled GOP lawmakers Tuesday, refusing to answer certain questions about the investigation into Hillary Clinton's private email server, reports Josh Gerstein.

And then this happened: "Rep. Steve Chabot (R-Ohio) injected an unexpected and jarring topic into the hearing by raising President Bill Clinton's false testimony under oath two decades ago in the civil sexual harassment lawsuit brought by Paula Jones. Chabot appeared to be arguing that Secretary Clinton was getting away scotfree with the kind of false testimony that resulted in her husband's impeachment years ago." Josh with the story: http://politi.co/2a8BEyU

And this too: Seung Min Kim (@seungminkim): The kicker: After Lynch's non answers in testimony, one House R says he misses Eric Holder (!)

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White House Press Office

From: White House Press Office
Sent: Wednesday, July 13, 2016 6:47 PM
To: Werner, Sharon (OAG)
Subject: Press Briefing by Press Secretary Josh Earnest, 7/13/2016

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release July 13, 2016

PRESS BRIEFING
BY PRESS SECRETARY JOSH EARNEST

James S. Brady Press Briefing Room

12:46 P.M. EDT

MR. EARNEST: Good afternoon, everybody. Happy Wednesday. I do not have any comments at the top, so we can go straight to questions.

Josh, do you want to go first?

Q Thanks, Josh. I want to start with Theresa May, who, literally, as we speak, is being confirmed as Britain's new Prime Minister. I know you said that the President feels he can work with whoever Britain selects as their new leader. But now that we're all getting to know a little more about her, I was wondering if there's anything specific where he sees an opportunity and sees eye-to-eye with her, and planning to really try and work with her.

MR. EARNEST: Well, Josh, as it relates to this question about Brexit, that obviously is in many ways the most significant domestic policy issue that the new Prime Minister will have to confront. And the President has been quite clear about what he hopes and expects that process will entail, which is an orderly process and a good-faith negotiation between the UK and the EU, which, even after that negotiation has been completed, we'll still have an important economic relationship.

There are obviously broader consequences for the global economy in terms of the way that negotiation is handled. And based on the public comments we've seen from the incoming Prime Minister, she intends to pursue a course that's consistent with the prescription that President Obama has offered.

Given the nature of her previous position as the Home Secretary, she engaged with U.S. officials on a variety of national security issues. So there are U.S. officials -- like Secretary Johnson, even Lisa Monaco here at the White House -- who have worked with her on issues that are important to the national security of both of our countries. But that's the kind of working relationship you'd expect somebody to have with the United States, given the special relationship between our two countries. But those U.S. officials that have worked with her found her to be quite effective. And basically we congratulate her on her new position and on the important responsibility that she will assume.

Q And I wanted to ask you about this firestorm that's erupted over some comments that Justice Ginsburg made to the Associated Press and to some other news organizations about the presumptive Republican presidential nominee. Does the White House have any concerns about that kind of language from a Supreme Court justice, or feel that it's appropriate for her to be making those kinds of -- opining in that way about the presidential election?

MR. EARNEST: Well, Josh, she didn't earn the nickname, "the notorious RBG" for nothing. But what I will say is that in the past I've been asked about controversial comments from other Supreme Court justices. I don't know whether it was earlier this year or at the end of last year when Justice Scalia made some comments in an open Supreme Court hearing that many found to be quite controversial, possibly even racist. At that point, I declined to wade into that criticism. And I think I'll pursue a similar approach in this instance.

Q And lastly, I wanted to ask about this meeting that the President is having today with law enforcement officials and civil rights activists and others. Given the amount of time that's left in the administration, what does the President hope or believe he may be able to achieve in terms of bridging this divide that he spoke about yesterday and that we've all been discussing before he leaves office?

MR. EARNEST: Josh, I think it's the President's desire to try to move the ball forward and make some progress in helping communities identify steps that they can take to address this problem. That will certainly be an important part of the conversation that he has later today.

We'll have more details about that meeting after it's taken

place, and you'll have an opportunity to hear from the President at the conclusion of that meeting. But this meeting will include political leaders, law enforcement officials, representatives of rank-and-file police officers, academics, civil rights activists, other thought leaders from all across the country. And every community is unique and every community needs to confront these challenges in a way that reflects the reality of the situation in their own community.

It's the President's view, though, that communities across the country can learn from the effective strategies that have been tried in other places. And that was certainly the goal of the Task Force on 21st Century Policing that was organized by the White House. This is a task force that included representatives from a similarly broad set of perspectives that canvassed the country and worked with local community leaders to surface ideas. And the goal was to put forward a set of best practices that communities all across the country could draw upon as they try to confront this challenge in their own communities.

And so there certainly will be a discussion about what steps we can take to try to encourage other communities to capitalize on these best practices. And part of this conversation, Josh, is about making sure that these issues remain a priority and that we reenergize the effort around these issues. Too often there's the sense that a tragedy happens and there's intense focus on this issue for a couple of weeks, and then it subsides. And what's unique about this situation -- what's unique about this challenge is it's not something that can be solved in a couple of weeks. It's going to require the determined and sustained effort of leaders from all sides in order to effectively implement some of these solutions.

And so the President is hopeful that this convening can be useful in focusing attention on these issues over the long term and making sure that the institutional energy and attention that must be devoted on them to succeed is something that people follow through on.

Q How do you square that strategy of saying we really want more communities to implement these recommendations that were created by this task force that you mentioned, but the fact that this latest tragedy took place in a community that the White House actually touted for having done a good job of implementing them? I mean, doesn't that suggest that they're either ineffective or insufficient to prevent these kinds of things from happening?

MR. EARNEST: Well, I guess when you say -- it depends on what you mean by "to prevent these kinds of things from happening." I don't think that, unfortunately, there's any set of best practices that will ensure that -- well, let me say it this way. Police officers have a dangerous job. And there's no

this way. Police officers have a dangerous job. And there's no single law that we can pass that will effectively protect every police officer all across the country. I think that's why the President talked at great length yesterday about how important it is for us to respect the vast majority of the men and women in uniform who do an outstanding job. Their work is worthy of our respect and not our scorn, as the President described it. So that's the first thing.

I think the second thing is the reforms that have been put in place in Dallas have made a difference. We have seen a significant reduction in complaints that have been filed against police officers in the Dallas Police Department for the use of excessive force, for example. Incidents of police shootings where police officers have to use their firearms are down significantly. Those are tragedies that are being prevented. That is a reflection of why it's important for other communities to make this issue a priority in the same way that Dallas has. It's making a difference in the lives of the people in Dallas, because it's not just those incidents of concern about police conduct that have declined; the violent crime rates declined, too.

So it's not too often these issues are viewed as, well, we have to choose between protecting civil liberties and protecting the rights of minorities and effective crime-fighting. That's not true. That's a false choice. The truth is, those communities -- like Dallas -- that are particularly effective at building trust, even in minority communities, does coincide with a reduction in crime. It does make it possible for police officers to do their job more safely and even more effectively. And that's the case that the President will certainly make in the context of today's discussion, and it certainly is the case that he's hopeful that policymakers and political leaders and law enforcement officials and activists all across the country will hear.

Ayesha.

Q Thank you. Following up on the response to the Dallas shooting and the other high-profile police shootings, yesterday the President said that he had seen how his words were inadequate to respond to all of these shootings that the country has dealt with. But at this point, is there really anything that the White House can do that -- beyond words, beyond having meetings, beyond the town hall, beyond just urging jurisdictions to take on these practices? I mean, is there anything that the White House can do that's really beyond words at this point?

MR. EARNEST: Well, first of all, as the President acknowledged in his speech yesterday -- and he said it more eloquently than I will from here -- but he talked about how powerful words can be in rejecting despair and ensuring that we, for all our differences, that we try to open our hearts to

demonstrating some empathy to people that don't look like us or may not share our perspective. That it's through that path we can find concrete solutions.

So the President did acknowledge that his words have been inadequate in completely solving this problem. But the other observation I have about yesterday's remarks -- there are some things that the President said in his speech were, admittedly, provocative. They were challenging to all of us; he included himself in that category. But the response that we have seen from his speech has been quite positive. And, again, that's based on news coverage, that's based on anecdotal responses and comments that we've seen from people across the country. And the President is pleased about that.

And that, I think, is an indication that our country is making at least some progress; that at this time where there is so much tension and anxiety and frustration and sadness and anger and tragedy, that having the President of the United States both appropriately pay his respects to the courage and patriotism and sacrifice of five police officers in Dallas, but also challenge the country and have the response be positive, is a good thing. And again, I think it says something important about the President, but also says something really important about the country.

So it was a little bit different than the question that you asked, but I felt it was important to acknowledge that, yes, the President was blunt about the inadequacy of his words. But it doesn't mean that words aren't important. And I think yesterday was a good illustration of that.

Beyond that, the question that you're asking is essentially the subject of the discussion today. That's why the President has essentially cleared his calendar for the afternoon so he can spend a lot of time with these leaders in communities across the country that represent a wide variety of perspectives to dig into this question about what else can be done. Certainly the work that was done by the President's Task Force on 21st Century Policing was important. Certainly the work that the White House has done on the Police Data Initiative -- that was something that Josh referenced that Dallas has been a leading advocate of and participant in -- is something that is important and will make a difference over the long term. Greater transparency is something that can have a tangible impact on repairing and building trust between law enforcement officials and community leaders.

But there certainly is a conversation about what else can be done. In Dallas, one of the other things that people have pointed to in terms of the kind of success that they've seen in their city has been rooted in their training regimen. And this was a leading initiative of Chief Brown in terms of not just

increasing training requirements in terms of the number of hours that officer have to undergo periodically, but they also changed the training regimen to make it more realistic -- more "reality-based" I think are the words that they've used to describe it. But they have also made de-escalation a focus of their training efforts. And the fact is, that de-escalation training over time does appear to be correlated with fewer conflicts between police officers and citizens.

So I think the other thing that is true is that there certainly is a role that the federal government can play in terms of offering expertise about this training. In some cases, there's a role that the federal government can play in providing resources to the departments that are committed to this kind of training.

So I'm certainly not going to rule out that there may be an opportunity for the federal government to do more. And that will certainly be part of the conversation today. But what will also be part of the conversation today is what can local political leaders do more of, what can law enforcement officials do more, what can civil rights leaders do more, what can community leaders do more to repair this trust that in too many communities has been frayed.

Ron.

Q Just to follow up on that, you said there's a wide variety of participants. Who are some of the participants?

MR. EARNEST: So we'll get you a list later this afternoon as the meeting gets started.

Q But in terms of what kinds of backgrounds they represent, you said it was a variety. Are we talking about --

MR. EARNEST: Well, in some cases we're talking about elected officials, we're talking about law enforcement officials, police chiefs, and other -- they're also representatives of rank-and-file police officers. There are academics. There are civil rights leaders.

Q Are some of these people -- are some of these groups that the President has been at odds with, for lack of a better characterization -- are there critics who were specifically invited?

MR. EARNEST: Well, I think that there are people who are participating in this meeting who have uttered public comments that have not been 100 percent supportive of what the President has had to say.

Q What areas and what --

MR. EARNEST: Well, listen, you'll have an opportunity to evaluate once you see the list of people who are attending.

Q I'm trying to get to the substance of this meeting. So much of this discussion is about notions of best practices. Just one metric -- does advancing the 21st policing initiative -- that was the year afterwards -- I saw some that suggested that there were only a handful -- 15 departments that have signed up for this initiative. Is there some other metric that indicates how successful this initiative has been in terms of getting departments to actually engage, commit, sign on to it?

MR. EARNEST: Well, listen, we'll see if we can provide some additional data on this. But there are obviously a variety of ways that -- it certainly is possible for local law enforcement organizations and local communities to decide that they're going to start to implement some of these best practices, even if they don't sign up for the entire initiative. And that's why the goal of the task force was to actually generate something tangible, and that's what they've done. And we've talked in here on a number of occasions how the leverage that the federal government has in terms of forcing local law enforcement agencies to consider these kinds of best practices is limited. And there are a whole host of good reasons for that. But what we can do is certainly make sure that people understand this is something they should be paying attention to.

Q In terms of what the President has not been able to get departments to do that he would like to see them do, is there some -- can you break it down into some more granular form of exactly what -- training, for example, is one big area, and transparency. These are big concepts. Is there some -- are there things, for example, in this meeting that the President is going to push, to say, you should do A, B, C and D specifically, which I think at this remarks the other day, or somewhere along the line in the last few days he talked about how we need more urgency and more -- a sense of urgency about these things. What specific things is the President going to try and push? I know this is a conversation, but clearly he has very strong ideas about --

MR. EARNEST: He does.

Q -- about what he would like departments across the country to do tomorrow.

MR. EARNEST: Well, listen, I think the first thing that the President will acknowledge is that there's no cookie-cutter solution that can be applied. Every community is different, and every community has their own unique dynamics. Every community has their own traditions. Every community has their own history. So, again, that is why it is incumbent on governors and

mayors and community leaders and leaders in law enforcement to focus on these kinds of solutions. And it's going to require a collaborative effort.

And, look, if only it were as easy as saying do this one thing and all these problems would be solved. It's not that simple. And that's part -- that's what adds to the complexity. But let's talk through a couple of the things that would work. We know, for example, that enhanced training works.

Q Enhanced training around --

MR. EARNEST: For police officers.

Q Around --

MR. EARNEST: In terms of training them in de-escalation tactics. That certainly is something that -- again, that's something that worked well in Dallas and there are other communities that have seen a similar benefit. The other thing that this administration and this White House has pioneered is something called the Police Data Initiative, where we've been encouraging law enforcement agencies to release a whole lot more information about interaction between their law enforcement officers and the community. That actually serves a variety of purposes. The first is, it allows that data to be carefully analyzed and could yield helpful information that could point us in a direction of tangible solutions in a particular community.

The other thing that it does is it certainly enhances trust between the law enforcement and the community when the community can evaluate for themselves how that law enforcement agency is getting along with the community. And to be able to demonstrate, as they have in Dallas, a reduction in complaints against the excessive use of force, for example, is the kind of thing that starts to change hearts and minds in the community. That certainly is something that is important, and the White House has provided a vehicle for doing that.

And, again, this is data that can be used by analysts to offer up new ideas for solving some of these problems. But even just submitting and publicizing the data in the first place is something that will have a tangible impact on the relationship between law enforcement and the community.

Q But in terms of the President's -- the meeting that he participated in the other day with Vice President Biden and the police officials, there was one thing that was reported about how he said that he would go over the list of military surplus equipment that he saw police departments getting. Were there any other specific things that he said that he would do, that law enforcement wants him to do to sort of compromise on policies, initiatives that he has put forth that they are not

happy with to try and bridge this gap? Is that one of the things that was specific and tangible that came out of the meeting?

MR. EARNEST: Well, Ron, I was out here talking to all of you while the President was doing that meeting in the Roosevelt Room on Monday, but police organizations certainly did raise this question about their ability to procure some equipment from the federal government that can be useful in law enforcement operations in communities across the country. And this was a subject of some controversy a couple of summers ago when there were questions raised about the way in which the Ferguson Police Department was using some of the equipment that they had obtained from the federal government. There was a concern -- I think a legitimate one -- that was raised that their use of that equipment was overly militarizing the situation.

So there has been an effort on the part of the administration to try to reform that procurement process -- not to deny police and law enforcement organizations the equipment that they need to do their jobs, but rather to govern that process a little bit more effectively and make sure, for example, that if high-powered equipment or if a high-powered weapon, for example, is being provided to a local law enforcement organization, that they also are training their officers to properly and effectively use that equipment. That seems like a common-sense thing -- to make sure that as this equipment is provided, that training is provided too.

So what the President committed to do is to go back and take a look at these reforms and make sure that our effort to reform the process and make it work more effectively wasn't preventing law enforcement officers from being able to purchase equipment that they actually need and that they are trained to use.

Q Are there any other areas, issues that you would argue that the President took a step and said, okay, I'll rethink something I've said or done -- like altering that program -- as not a concession -- that's perhaps a harsh word -- as a way of trying to work with police departments to try and deal with some of the things that they want? Are there any other specifics where you can say, here, this is what the President is doing to bridge this divide and to see things more your way?

MR. EARNEST: Well, Ron, I think it is fair for you to assume that the President is going to try to practice what he preaches. And he certainly did talk at length yesterday about trying to remain open to every point of view and to apply some intellectual honesty and some sincerity to understanding someone else's point of view.

Now, I do think that I can quite effectively document the ways in which the President has both symbolically and tangibly

way in which the President has both symbolically and tangibly shown his strong support for our men and women in law enforcement. The President has talked in his State of the Union address, arguably the biggest platform that he has, about how law enforcement officers have a right to come home at the end of their shift, and that even people that do have some concerns with law enforcement have to respect that right. The President was unequivocal about that.

But, yes, the President is interested. The reason that the President had the meeting on Monday -- or the reason -- I guess I should say the reason that the President attended the meeting that was organized by the Vice President on Monday, to be more precise, is that he wanted to hear from leaders in law enforcement. He wanted to understand their perspective. That at a time when their officers are under so much scrutiny, he wanted to understand how they saw this situation. And I think the President found that valuable.

Q Does the President -- why did he think it was appropriate to mention the recent cases in Minnesota and the Sterling and Castile cases in that forum yesterday? They're under investigation. There is a DOJ investigation of one of them. They're unresolved. Why did he feel that, at a service focusing on the deaths of law enforcement, that he needed to bring up those cases?

MR. EARNEST: The President's decision to do that was rooted in the idea that none of these tragedies -- the shooting at Baton Rouge, the shooting in Minnesota, or obviously the hateful attack on police officers in Dallas -- took place in a vacuum. And that understanding that context is to understand the way that the country is reacting to all of this.

And the point that the President was making is that, yes, the situations in Baton Rouge and Minnesota are under investigation -- and they should be. And we're all going to have to limit our comments on them while that investigation is ongoing. But the two men who lost their lives in those two incidents are people that have loved ones. They have people who cared about them. They have people in communities that are grieving their loss. And the President felt it was important to acknowledge that, and he feels it's important for everyone to acknowledge that.

That, of course, does not -- as the President -- that doesn't condone in any way an act of violence against a police officer. It's not possible to justify an act of violence against a police officer -- even people who have deep concerns about what happened in Baton Rouge and Minnesota. But what all of us need to do is open our hearts to understanding the perspective of people who may look different than us, or who may have a different perspective -- that that will be critical to our ability to solve this problem as a country.

April.

Q Josh, on this convening -- this convening and any other convening the President may have when it comes to dealing with the conversation -- his leading the conversation on race -- he talked yesterday of the heart issue. When Bill Clinton talked about it when he was President, he said -- he had the conversation on race -- he looked at it from a legislative standpoint as well as the heart issue. And I want to focus in on the heart. What does the President expect when it comes to the heart issue of him leaving these conversations at the end of the day, at the end of his term, on January 20th, 2017 at noon? What does the heart say?

MR. EARNEST: Listen, I don't think these problems are going to be solved in January. This will be a challenge that the next President and the President after that, and then the President after that is going to have to deal with. The President made the point that the legacy of slavery and Jim Crow wasn't completely washed away just by the signing of the Civil Rights Act. So these are going to be challenges that future generations will have to confront. But previous generations can tell us in vivid terms how much progress we've made.

And the President had the opportunity to contribute to that earlier in his presidency when he traveled to Selma in the spring of 2015 to commemorate the progress that was made in that community. And the President was blunt yesterday about denying that progress is to fail to appreciate the sacrifices that were made by Americans of all races in pursuit of civil rights, in pursuit of the ideals and values of this country.

So the President is hopeful that we can make some progress. And as I noted in my answer to Ayesha, I think the response from the country to the President's speech yesterday is an indication that we are making some progress.

Q So when you look at the issue with community and police, that's one component of a larger issue. Will the President begin to break it down? Because when you look at stats, the facts from any department within your administration, there are a high number of negatives in almost every category when it comes to African Americans and our Latino brothers and sisters in this country. Will he also move into other aspects? Is this just one component of a broader focus on race? Or is this the piece that he feels that he needs to deal with right now and that's going throughout the rest of the term?

MR. EARNEST: Well, April, the President certainly did talk about a phenomenon that he's discussed in previous settings, as well, that in too many communities across the country, there are not sufficient resources dedicated to things like expanding

economic opportunity and giving kids access to a quality education, and making sure that good health care and good mental health care is available, ensuring that there are healthy foods available for purchase.

These are the kinds of things that are critical to the success of the community. And too many communities and the people who live in them are deprived of those basics. And the consequences for law enforcement are that those problems get thrust on them. And that's not fair. The jobs that are performed by our men and women in law enforcement are hard enough already. As the President described it yesterday -- to make them not just a law enforcement officer, but to make them a teacher and a parent and a drug counselor is unfair. And the President, frankly, is tired of people feigning surprise when the tensions boil over.

So that's why he's going to continue to fight for things like raising the minimum wage and increasing funding for schools, and trying to expand job training, and fighting for equal pay for equal work, continuing to encourage states to expand Medicaid. These are all things that are going to have a tangible impact on the health and wellbeing and success of communities across the country. And if effectively implemented, and if we can make some progress on those things, that won't just improve the lives of the people in those communities; that will at least a little bit lighten the significant burden that is borne by our men and women in law enforcement.

Q I want to rewind the clock a bit. Back to early in this President's presidency when his friend, Henry "Skip" Gates, had a confrontation in his home -- as he was trying to go into his home -- with Sergeant James Crowley. What did the President learn from that beer summit that he had right outside the Oval Office? And what is he going to bring from that into today's session?

MR. EARNEST: I don't know if I have a good answer to that question. Look, I think the President I think wanted to use that moment, as he described it, as a teachable moment. And he was hopeful that it would -- that that situation and the ability of those two men to come together in the Rose Garden of the White House would serve as a useful illustration, again, that our country is not quite as divided as it might seem. But that may be the kind of question -- in terms of the President's own personal lesson from that situation, that may be one you have to direct to him.

Q And lastly, since I brought up the beer summit, and that was such a pivotal movement -- that kind of led to a thread with issues of community and policing throughout this presidency, throughout his at least eight years -- I want to go back to the convening and as it relates to t beer summit. So would Skip Gates be one of those in the meeting, as well --

would Skip Gates be one of those in the meeting, as well as Sergeant James Crowley? And also, is Sylvia Burwell in that meeting, since she was head of President Clinton's conversation on race in America?

MR. EARNEST: We'll get you the full list later today. So I don't think any of those people are on the list.

Q Really?

MR. EARNEST: Yes.

Andrew.

Q Since about 2004, the President has espoused this idea that there is no black America, there's no white America, there's just the United States of America. Given recent racial tensions that we've seen, and given the rise of Donald Trump, is the President reassessing that measure?

MR. EARNEST: Not at all. Andrew, it would be easy to conclude, if you just looked at the tone and tenor of the political debate in Washington, D.C., that our country is quite divided. And the President does not believe that our country is nearly as divided as it might seem. And I think there are any number of examples of that. I think anybody who had the chance to attend the service yesterday observed rather vividly the diversity in the room. It wasn't just that there was a white mayor and a black police chief who were standing on the same stage, grieving the loss of five police officers. The room was filled with police officers in uniform. And it wasn't just the white officers who were grieving the loss of their colleagues. There were men and women -- black, white, brown, Asian -- all in uniform, all grieving that loss.

And they heard expressions of sympathy from the white Republican President, and they heard condolences from the current black Democratic President. Those are all -- particularly when you consider the legacy of race in Dallas, Texas, the President's expression of unity I think was on full display.

Q But you would accept the President, given who is he is, is not able to convince the people who need to be convinced in order to bring change about? I mean, there's this constituency that he's just never going to be able to reach.

MR. EARNEST: Well, listen, I don't think the President is ready to give up on anybody. And I think the President took this pretty directly, Andrew. So, again, I'm not going to be able to summon the eloquence that he demonstrated yesterday, but the President is not going to give into despair. He's not going to give up hope.

In fact, he talked movingly about what gives him so much hope. And the story that he told about the woman in Dallas who took her four sons to the protest, an African American woman who had genuine concerns about police conduct in law enforcement agencies across the country, particularly as it relates to treatment of black men -- her powerful retelling of that story of taking her sons to participate in that peaceful march only to come under gunfire, and to have her be hit, and for her to be terrified about the safety of her kids, and to put her life on the line, to lay on top of her son to shield him from the hail of bullets, only to find a police officer come and do the same thing for her, and to have white police officers come to her rescue, to protect her, and then for her to say that that is just the latest reason that her youngest son says he wants to be a cop when he grows up -- that's powerful. That's going to give you a lot of confidence and a lot of hope and a lot of optimism about the future of this country.

We've had ample reasons in the last couple of weeks, Andrew, to try to consult those examples of reassurance. But every time the President does, he's filled once again with the kind of hope and optimism that animated his campaign and that has animated his presidency.

Margaret.

Q Josh, you talked about the list of attendees coming out later, but we've heard from the President a number of times talking about the importance of getting everyone to hear and listen to each other. Can you say at a minimum if anyone from Black Lives Matter is going to be in the room to be listened to and heard?

MR. EARNEST: There will be individuals who I think would describe themselves as part of the Black Lives Matter movement who will be participating in the meeting today.

Q And can you explain why that's important? Because there are a lot of people who have a problem with the movement and --

MR. EARNEST: Well, again, I think this is the President's desire to bring people into one room that have a variety of perspectives to represent. I'm confident that there will be law enforcement officials in the room who are deeply troubled by the actions and comments of some people who associate themselves with the Black Lives Matter movement. And the President has cautioned about applying the controversial comments and actions of some -- he didn't call them controversial, he called them stupid -- actions and comments of some and applying them to an entire movement is just as unfair and just as wrong as attributing the illegal actions of a couple of law enforcement officers to every cop in the country. That's wrong, too.

That's not fair. It's not accurate. And resisting that impulse and keeping open our hearts will be necessary to making progress on this challenge.

Q Can you say whether the President has decided how he's going to continue to talk, communicate, maybe take on this issue after the end of his term? I know you said everything is not going to be fixed by January. I can imagine he wants to continue working on it.

MR. EARNEST: I would anticipate that the President will continue to work on this and talk about these issues and maybe even write about them in his post-presidency. We've talked a little bit about the President's My Brother's Keeper initiative. This is an initiative that is focused on trying to mentor young men of color. That certainly is something I would anticipate that both the President and the First Lady will devote time to once they've left the White House. Certainly the focus on mentoring young men of color has an important intersection with building trust with law enforcement. So I think that's just one example, but I'm confident in saying there will be others.

Q And an element to that when it comes to law enforcement, or not necessarily?

MR. EARNEST: Well, again, I think that in some of those conversations -- well, look, the focus of that initiative is on young men of color and making sure that they get the time and attention that they need to overcome some of the obstacles that are erected in their path. So that obviously is going to have consequences for the way they interact with law enforcement. But, look, other than describing the President and First Lady's involvement in that initiative, it's hard for me to say with a lot of specificity what else they have planned.

Q Can I ask you quickly -- I know you said you don't want to comment on whether it was appropriate for Ruth Bader Ginsburg to make the comments she did. But that aside, can you say if the President has confidence in her right now? Donald Trump has attacked her mental state and said her mind is shot. Do you have a comment on that? I mean, is there confidence that the Supreme Court justice is with her wits about her fully?

MR. EARNEST: Well, I wouldn't call -- I would not call her competence into question and I think anybody who has observed her, she's done her work. Whether you agree with her or not, and whether you agree with every ruling that she has issued, I think over the course of her career she has demonstrated a keen intellect and an understanding of the law, and a commitment to ensuring that it's applied fairly to every American citizen.

Kevin.

Q Thanks, Josh. The Federal Law Enforcement Officers

Q Thanks, Josh. The Federal Law Enforcement Officers Association announced on Friday that they may request to the White House that it be illuminated in blue in honor of the fallen officers in Dallas. Knowing that the White House has previously been illuminated, both in 2013 in pink for breast cancer awareness and again in 2015 in the wake of the same-sex marriage ruling by the Supreme Court, has there been any consideration or any thought given to lighting the White House in blue in honor of law enforcement?

MR. EARNEST: I don't have much to say about the potential consideration. I can tell you that's not something that we plan to do at this point. The President certainly has, in a variety of ways, acknowledged the tragedy and honored the life of the five Dallas police officers who were killed last week. The President, while he was overseas, ordered flags across the country lowered to half-staff as the nation mourns the loss of those police officers. And, of course, the President traveled to Dallas just yesterday to speak at the memorial service that was organized to honor their service and honor their sacrifice.

And after that service concluded, the President spent more than an hour with the families of those who were lost and spent time visiting with some of those who were injured, including police officers who were injured in that shooting. So there are a variety of ways that the President and this administration have chosen to conspicuously demonstrate our deep gratitude and our solemn condolences in the aftermath of the shooting that claimed the lives of five police officers in Dallas last week.

Q So you're not opposed to it, it's just not something that the President has made a move on yet?

MR. EARNEST: Kevin, I think it's appropriate for people to conclude that the President has chosen to acknowledge this loss and to pay tribute to these heroes in a variety of other ways, including ordering the flags lowered to half-staff, traveling to Dallas to speak at the memorial service, and spending a substantial amount of time after the service visiting with the families of those who were lost.

Q On Zika, time is running out, for lack of a better description. Apparently, the Republicans have made an offer. Is the White House in contact with Democrats to try to get something done before the seven-week break?

MR. EARNEST: I'm not aware of the Republican offer. I think it's the Democrats that have made an offer that was rejected by Republicans. And the Majority Leader's response has been to essentially take it or leave it -- and by "it" he means a politically motivated piece of legislation that seems much more focused on trying to tear down the Affordable Care Act and prevent women from being able to get access to Planned Parenthood services, and deals with confederate flags much more

than it is on trying to address a genuine public health emergency.

And I say that because the amount of funding that's included in the bill is woefully short of what our public health professionals say is needed to do everything possible to protect the American people from the Zika virus. So I think the irony is the Senate Majority Leader has observed something like the Senate is running out of time. He says that as the Senate is prepared to leave a day early for their seven-week vacation in the middle of a public health crisis. So I'm not exactly sure how he squares that, but instead of trying to confront a public health crisis, maybe we'll just tune in and listen to him speak at the Republican Convention because I guess that's where he'll be instead.

Q Speaking of the Republican Convention, Donald Trump is --

MR. EARNEST: Kevin is not one to miss a segue, guys. (Laughter.) Well done, my man.

Q Thank you. Donald Trump is going to be on Fox tonight and -- on Special Report with Bret Baier -- and knowing how much --

MR. EARNEST: That's a good plug for Mr. Baier right there. (Laughter.)

Q -- how much you love to talk about this subject, if there were one question that you might have for Donald Trump, who will be on the air tonight, six o'clock Eastern -- (laughter) --

MR. EARNEST: That's provocative right there. (Laughter.) Well, listen, your colleague Mr. Baier has an excellent reputation for asking very tough questions. The President can certainly speak firsthand about that. And I think that's one of the reasons we'll be tuning in at 6 p.m. Eastern to see how that conversation goes. (Laughter.)

Q I appreciate that. Last one -- if you'll indulge me -- South China Sea, a very interesting ruling by the international community, saying once again, listen, you've got to stop with this nonsense in the South China Sea. What's the administration's response not just to, again, the legal pushback against Beijing, but also some of the concerns that others might have that as they watch the administration's perspective and how you all react to what China is apparently trying to do there that could have implications on, say, what Russia does in the Arctic, for example, or other actors might have similar designs on the Middle East?

MR. EARNEST: You're raising an excellent point, Kevin, so let me get to that. A couple things I'll just make clear. The ruling that was issued by this tribunal was quite extensive. And I know that it was now more than 24 hours ago, but I can tell you that administration lawyers continue to review the ruling.

So I can't offer a definitive reaction to it, but there are a couple things I can say. The first is, to remind all of you, and to remind anybody who may be reading this transcript, that the United States is not a claimant to any land features in the South China Sea. And, in fact, we don't support or oppose any specific claims that any of the sides have made. Rather, the United States has strongly urged those with competing claims to resolve them peacefully and to resolve those disputes through diplomacy, including through arbitration.

Now, the Law of the Sea Convention, to which both China and the Philippines are signatories, has followed the process that's specified in the convention. They've issued this ruling, and that's why it's the United States' view that this tribunal finding is binding and final. More generally, to go to the point that you're raising that I think is a good one, in an increasingly interconnected world, respecting international laws and rules is critically important. There are norms that must be observed to ensure the success of our interconnected world if we want to be able to trade effectively, if we want to be able to travel internationally, if we want to ensure that our integrated global supply chain continues to function in a way that's as efficient as possible. We know that enhances the economic prospects for everybody. We know that our ability to travel anywhere around the world is something that we value.

So this interconnectedness is something that has to be protected. And if there's a willingness on the part of bigger countries to violate those norms and to throw their weight around, that can be disruptive. And the irony is, is that the biggest countries with the biggest economies are the ones that have the greatest incentive to protecting the stability of the world order. And that certainly is why you've seen the United States make such a strong statement about the need to resolve these disputes through diplomacy and through arbitration. We want to protect the billions of dollars of commerce that flows through the South China Sea. We want to protect the transit lanes and the shipping lanes in that region of the world. And we want to make sure that those competing claims don't devolve into some sort of military confrontation.

So that's why we've taken the position that we have. We're not claimants, but we are certainly hopeful that those with competing claims will work to resolve them peacefully.

Cheryl.

Q Thanks, Josh. Speaking of the Senate -- I'm trying to segue. (Laughter.)

Q Nice.

Q Traditionally, the Senate passes maybe a larger package of nominations before they go on longer recesses. I'm wondering if you are expecting any nominations to move through. And especially, I was just reading about Carla Hayden, who is the Librarian of Congress, who hasn't been able to move, along with a bunch of others.

MR. EARNEST: I don't know what the Republicans in the Senate plan to do before they adjourn a day early for their seven-week recess. They've got a convention to get to. One thing I do hope that they'll do, though, is they'll give the consideration to Dr. Carla Hayden's nomination that she deserves. This is somebody that the President nominated early this year to be the Librarian of Congress. She is somebody who is eminently qualified. She has served in leadership positions at library systems across the country, most recently in Baltimore. She is somebody who has got a PhD in Library Sciences from the University of Chicago and she has taught in her field both at the University of Maryland and at the University of Pittsburgh. Her academic credentials are unimpeachable.

She's also the first woman nominated for the job. And I don't know what the Republican explanation is for continuing to block her nomination, but it sure doesn't seem fair. There certainly should be no reason for controversy, except that this eminently qualified woman with unimpeachable credentials is being blocked from the job by Republicans. And I'll leave it to them to explain why that exactly is the case.

Q So no other -- Adam Szubin, Merrick Garland?

MR. EARNEST: She's got a particularly strong case, but she's not the only person with a strong case. And when I say a strong case, I mean people who are eminently qualified, who are devout public servants, who have unimpeachable credentials, who are eminently qualified for the job, but they're not being considered because Republicans in the Senate are going to leave a day early for their seven-week vacation recess and, again, I don't really know why they think that's appropriate. I don't think most Americans do. I'm not even sure most Republicans across the country would think that's appropriate, but I guess we'll have to check.

Gentleman in the back.

Q Republicans have in their political platform included the building of a wall along the U.S.-Mexican border. What kind

of signal sends something like that to the Mexican Americans who have roots in Mexico and family members when the President is calling for unity in the country?

MR. EARNEST: Well, obviously, this is a claim that has been propounded by the Republican nominee for President. I'll let him make whatever case he would like to make. The President's approach to the situation has been quite a bit different. The President has supported strong border security. That's why, under the President's leadership, there are more resources devoted to border security right now than at any time in American history. The President also supported a common-sense immigration reform package that would have made an even larger investment in border security and would have become law if it weren't blocked by Republicans in the House of Representatives.

So the President's view has been to try to use his executive authority to try to fix as much of our broken immigration system as possible. And the Supreme Court wasn't able to rule -- wasn't able to reach a final conclusion on some elements of those executive actions. But on other elements we have been successful in making sure that we're effectively using our limited law enforcement resources to implement our -- to protect our communities and to try to fix as much of our broken immigration system as possible.

All of that is a reflection of how the United States has benefitted from a strong relationship with Mexico. The United States government and the Mexican government have been able to coordinate effectively on a range of public safety issues. And we certainly have our differences, but we are able to coordinate effectively. And the President discussed this when he was in Canada and had an opportunity to meet with his Mexican counterpart a couple of weeks ago.

So it's clear that there have been different approaches, but ultimately the American people will have to decide which approach they like best.

Megan.

Q Thanks, Josh. Back to Dallas. Can you give us any additional details or color as to the President's meetings with the victims' families, with the wounded officers? Did he have any one-on-one time with the President George W. Bush?

MR. EARNEST: The President and the First Lady did have an opportunity to spend some time backstage with President Bush and Mrs. Bush. Their paths don't cross often, but the President certainly did enjoy the opportunity that he had to catch up with President Bush a little bit. Despite their well-chronicled political differences, there's a genuine affection that the two

men have for one another. I think that was apparent for those of you were reading body language onstage yesterday. I think that's been apparent in reading body language in other public settings where they've appeared, including at the dedication of President Bush's library. And when President Obama and the First Lady traveled to Selma, President and Mrs. Bush were there as well. They got to spend some time together. They marched over the bridge together.

All of that is an indication of the genuine affection and appreciation that President Obama has for President Bush. And by all accounts, that affection has been reciprocated by President Bush.

As it relates to their interaction with the families, I was not in the room while the President and the First Lady were meeting with the families of those who lost loved ones last Thursday night in Dallas. So I don't have much of their interaction to read out.

Q Can you say, from those conversations, including with the former President, were there any policy takeaways that the President is going to be bringing with him today? Any requests, any recommendations to move the ball forward?

MR. EARNEST: Not that I'm aware of. There were not any heated policy discussions backstage. I think most of it -- again, most of their discussions were personal or social in nature, and I also think it reflected the somber mood.

Q And what is the President hoping to get out of or accomplish with tomorrow night's town hall?

MR. EARNEST: Well, tomorrow, certainly on ABC, at 8:00 p.m. Eastern. (Laughter.) If Kevin is going to do it, you certainly can, too, Megan. (Laughter.) But, listen, the President is really looking forward to the event tomorrow evening, and I know that ABC is working hard to also organize a diverse audience that represents a variety of points of view. And the President is quite interested in hearing from the people who will attend and interacting with them.

I think the President is hopeful that those kinds of interactions will both illuminate a variety of perspectives for the American people to see. I also think he's hopeful that it will illustrate what can happen when people open up their hearts to a different perspective. He's certainly going to try to do that when he's talking to people in the audience, and I'm confident that people in the audience will do that as he speaks, as well. And I think that will be not just an opportunity that could be illuminating in terms of different ideals or perspectives or potential solutions, I also think it's a pretty effective way to model the kind of conversations that the President believes should be happening all across the country.

President believes should be happening all across the country.

Q And lastly, moving to Congress. Any reaction to House Republicans -- specifically the Judiciary Chairman and House Oversight Chairman -- requesting that the Justice Department now investigate Hillary Clinton for perjury to Congress?

MR. EARNEST: I don't have any comment on that. I'll let the Justice Department decide what they believe is the most effective way to respond to that.

Q What about a reaction to the way the Attorney General and the FBI Director were treated before Congress in the questioning regarding Hillary Clinton's emails?

MR. EARNEST: Well, listen, let me just say that I think those who had an opportunity to watch either of those hearings -- probably it was not a large number of people -- but those who did I think had an opportunity to see two genuine, well-qualified professionals who are committed to public service. And I'm referring to the witnesses, not to those who were asking questions.

So I'm not going to comment on -- at least for now, I'm going to withhold judgment about the way I believe that Republicans conducted themselves in those settings, and rather express to you the pride and appreciation that the White House has for those two individuals and the way they conducted themselves in public under a pretty hot spotlight.

Suzanne.

Q We saw yesterday Bernie Sanders endorsing Hillary Clinton. And I'm sure the President can appreciate that moment that he had with Hillary Clinton, as well. Did he watch? And did he have a sense of relief that this had finally happened? And did he think that Sanders perhaps squandered some of the impact that he might have had because he had waited for about a month after she had the delegates to become the nominee?

MR. EARNEST: I don't believe the President was able to watch the event. Obviously, the event was ongoing as we were traveling to Dallas. And the President, I believe, was pretty focused on his remarks. So I don't believe that he watched the event.

But you all have heard previously from the President as he discussed how important it is for the Democratic Party to come together in support of a presidential candidate that's committed to the same kinds of values that the President has been fighting for the last eight years.

The President believes that the Affordable Care Act and the potential it has to continue to hold down the growth in health

care costs while expanding quality coverage to people all across the country is something worth protecting and preserving and improving and continuing. The President believes that continuing the fight against climate change is something that the next President should do. We've made a lot of progress in digging our economy out of the worst economic downturn since the Great Depression. And the question now is really, what are we going to do to try to put even more upward pressure on wages and make sure that the next generation of Americans has the skills and training that they need to succeed in a 21st century global economy.

These are the kinds of values that President Obama has dedicated his presidency to. These are his priorities. And he's interested in seeing the party that he leads come together in support of a candidate who shares those values and shares the same kind of passionate commitment to advancing them. And that certainly would explain the political activity that the President has engaged in over the last month or so. And I think it will explain why the President expects to be so busy this fall.

Q Did he hope that Sanders would have endorsed earlier?

MR. EARNEST: Listen, the President obviously had at least one occasion to discuss that decision with Senator Sanders. At every turn, we made clear that Senator Sanders had more than earned the right to make his own decision about the end of his campaign, and when to end it and how to end it. And I'm not going to second-guess him from here.

Q And CNN had its own town hall -- I wanted to -- on my colleagues -- (laughter) -- yesterday with Speaker Ryan. And he was asked by a fellow Republican whether or not he could morally justify supporting Donald Trump because, in his words, he called him "openly racist." Ryan did not push back on that characterization, but said that he would not support in any way Hillary Clinton being President. What do you think of that response? And what do you think the President thinks of that response in light of the fact that he seems to be at a point where he's trying to establish some racial reconciliation? Does he perhaps thinks that maybe there needs to be some sort of coming together with members of Congress as well to talk about race relations?

MR. EARNEST: Well, listen, I think Speaker Ryan has been rightly credited and complimented for the comments that he delivered in the House of Representatives last week after the shooting of police officers in Dallas. And his commentary about the attention of the country on a range of criminal justice and law enforcement issues was well handled and I think did reflect something that the President himself has said on many occasions -- that our country is not nearly as divided as it seems. And

Speaker Ryan's comments I think were a good illustration of that.

As it relates to his decision about which candidate to vote for in the presidential election, I'll let him answer questions about that choice in the way that he believes best reflects his views. And I'll let him do his best to justify it.

Q Is there a conversation that the President feels would be useful to have regarding the election and the tones, or the overtones -- or the racial overtones -- in light of the fact that he's trying to establish a dialogue with police officers and civil rights leaders and activists? Does he think that he needs to kind of take a look at the administration itself and maybe have a similar dialogue or conversations?

MR. EARNEST: Well, I guess what I would say is that, again, words are important, and it certainly matters when we're expressing our perspective to one another that we remain open to the views of people who might see things differently or might look differently than we do. The President believes that there's real value in that.

The President also believes that when you're in a leadership position, like President of the United States, or mayor of a large city ,or police chief of a large police department, that your responsibility extends beyond just talk. There's a responsibility that you have to look for concrete proposals and solutions and to try to advance them. So that will be the nature of the conversation that the President has today, and I think that will be the nature of a number of conversations that take place within the administration, too. Think about what other additional things the federal government can do to support state and local law enforcement and political leaders as they make their own decisions about confronting these challenges in their communities. And that certainly is something that's worth addressing; it's also something that's worth acting on.

JC.

Q Josh, a lot of transition going on in the world right now. You spent some time, I'm sure, with the President -- maybe some reflective time on Air Force One coming back from Spain. There's a whole new look, basically, to the world and to NATO. We have a first female prime minister in many years. Angela Merkel, the Chancellor of Germany, is a woman. The President's choice for President, Secretary of State, may ascend the Oval Office in January. And there's even a possibility of France having a leader, Marine Le Pen, at some point in the new election. Has the President given you his thoughts or his reflections on the fact that four, possibly three, for sure, and possibly four women will be part of the NATO operation? I know you don't want to step into anything here, but it's a new world

you don't want to step into anything here, but it's a new world.

MR. EARNEST: I think that's fair to say that's true when I'm answering every question.

Q I understand.

MR. EARNEST: But, listen --

Q It's a whole new dynamic.

MR. EARNEST: Yeah. Well, I think it is hard to generalize too much about this situation. Obviously, Chancellor Merkel is somebody who has led Germany for quite some time now and has done so in a way that the President has deeply appreciated. And, look, I know that she is somebody that President Bush respected deeply as well. She was able to work effectively with both leaders of our countries. I think that's a pretty good illustration of something that you've heard me say on a number of other occasions as it relates to our relationship with other countries, which is that the importance of the U.S. relationship with our allies is one that transcends the personal relationship between two leaders.

And even though, for example, the President had genuine personal regard for Prime Minister Cameron, there's no doubt that he'll be able to work effectively in the six months that he has remaining in office with incoming Prime Minister Theresa May. And I'm confident that the next President will be able to work effectively with her as well.

But at this point, I'm going to resist the temptation to generalize too much about the women that are, in some cases, poised to play a more prominent role among our NATO allies.

Lalit.

Q Thanks, Josh. First, to follow up on the South China Sea. China has indicated that it is going to establish air defense zone in the South China Sea to a certain sovereignty in t region. What do you say about that?

MR. EARNEST: Well, listen, basically the reports that I've seen -- and you may have seen something different or more recent than I have -- but I think there was a comment from a Chinese official indicating that that was something that they were considering doing. And I'd just go back to what I said earlier, which is that the United States doesn't have any particular claims here. Our view is simply that the countries should resolve the claims through diplomacy and including through an arbitration process like the one that's just concluded -- the one that this Law of the Sea Tribunal has issued a ruling that all the signatories acknowledged is final and binding. And we believe that it should be treated accordingly by all of the

parties.

We also believe that this should not be a time for provocation or inflammatory comments or actions. I think that's why you see me being careful with my word choice as well. And our hope is, is that this is not an inflection point toward a more -- to a deeper conflict, but rather is an inflection point toward the peaceful and diplomatic resolution of competing claims in the South China Sea. There certainly is the potential for that, and we are hopeful that that potential is realized because it's a potential that is clearly within the interest of the United States based on the strategic and economic significance of the shipping lanes and the transit lanes in the South China Sea.

Q And secondly, last week, a commander of a banned terrorist organization, Hizbul Mujahideen -- which I know was banned by U.S. and the European Union -- was killed by Indian security forces. And now the Pakistani leadership and Pakistani army has come out in support of this outfit and this terrorist leader. What does it reflect about Pakistan's commitment to fight against terrorism?

MR. EARNEST: Lalit, I have to admit that I'm not aware of those reports, but I'll have somebody follow up with you on them.

Lauren, I'll give you the last one.

Q There was a proposal in Congress, I think in May, to make a national standard for police so that when they're using their firearm, there's a national standard of how you use it. And there was also a proposal to make this de-escalation training nationwide, mandatory among police officers. Is that something that today will be discussed, and is that something that the President backs?

MR. EARNEST: I have not been briefed on that specific legislative proposal, but the President certainly would welcome ideas from a variety of quarters, particularly as it relates to enhanced training and increased training for police officers across the country.

That's just based on the experience that many communities have had -- that as they increased training requirements, as they improved the training curriculum, as they focused on de-escalation, there's been a material benefit that the community and the police department has enjoyed.

Q And why not make it national standard?

MR. EARNEST: Well, again, I wouldn't rule it out from here, but I think what's also true is that communities across the country are quite unique. The training requirements for big

cities I think in some cases are different than they are for small towns. The training for a highway patrol officer, for example, might be different than the training that a police officer that more frequently works in a county jail, for example, might receive.

So, again, I'm not ruling out that idea, but I think there also is a strong case to be made about the need to tailor some of these training requirements to reflect the environment in which these officers are working. But, look, there is evidence to indicate that training can make a genuine difference, and how exactly that's implemented in a variety of communities is something that I'm confident will be a subject of discussion today.

Q The President's biggest critics have said that his speech yesterday, the first 10 minutes, were one of the most eloquent that they have seen, and then said that the speech devolved when he brought up gun control and policy. Why did he decide to do that? Why, at that moment, did he decide to bring in policy at an interfaith memorial service of five slain officers?

MR. EARNEST: Well, I don't know that I'm quite willing to accept the premise that it was a policy speech. I think what I will acknowledge, I think what the President did acknowledge, is that there are at least questions about policy priorities that must be asked when we're considering the performance of police officers across the country. And when the President talked about how there are communities in this country that have inadequate economic opportunity, inadequate schools, inadequate health care, inadequate access to healthy foods, inadequate access to job training, inadequate access to mental health care, that has the effect of making the work of our police officers even more difficult.

Because even as the rest of the community, the rest of the city would rather forget about those deeply entrenched problems that are plaguing one specific community, the expectation of the city and its citizens and its leaders is that police officers are the ones that are going to go and keep things quiet and make sure that the problems that are plaguing that community don't intrude on the rest of us. And you put police officers in a position where they are the after-school counselor, and the drug counselor, and the parent. Those are tough jobs. And asking a police officer to do those in addition to being a police officer is unfair.

And the President has expressed his own -- I don't think he expressed exasperation yesterday, but I think there are plenty of us who are exasperated by the fact that when that dynamic leads to a situation where tensions blow over, that people act surprised.

So, again, I don't know if that's a policy discussion, but I guess this is the point I'm trying to make -- when the President said that, I didn't see a lot of police officers in that room shaking their head. I think I saw a lot of police officers nodding their head, if not clapping -- in part because I know that that is a point that Chief Brown made just a day earlier.

So to compliment your journalistic precision in noting that that observation was made by critics of the President, I just would observe that the police officers who were in the room, mourning the loss of their colleagues, when they heard the President say that didn't appear to be inclined to criticize him for doing so. In fact, they appeared to be inclined to agree with him.

Q I know everybody wants to go, but one last question. You put out very little information about this meeting in an hour. What you have put out does not include faith leaders. Will they be there?

MR. EARNEST: We'll get you the list as soon as we have it. Off the top of my head, I don't know. But I'm confident that people of faith will be in the room. I don't know if any of them could be described as clergy. But I guess if you dedicated your life to working on these issues, you need to appeal to a higher power for a little strength. I know the President does.

Thanks, everybody. We'll see you tomorrow.

Q And can you try to give out the list -- just to make sure who's coming, that they come --

MR. EARNEST: We will make sure we get you an accurate list, and we'll have it hopefully in the next hour or so.

Thanks, everybody.

END 2:09 P.M. EDT

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From: PAO (SMO)
Sent: Wednesday, July 06, 2016 6:42 PM
To: PAO (SMO)
Subject: DOJ DAILY NEWS WRAP

PUBLIC AFFAIRS DAILY NEWS WRAP
WEDNESDAY, JULY 6, 2016

*****FOR INTERNAL USE ONLY*****

Contact: Wyn Hornbuckle, Deputy Director, Office of Public Affairs, (202) 514-2007

EXPECTED NEWS STORIES:

Statement from Attorney General Loretta E. Lynch Regarding State Department Email Investigation (Attorney General)
Attorney General Loretta E. Lynch released the following statement today regarding the State Department email investigation:

- "Late this afternoon, I met with FBI Director James Comey and career prosecutors and agents who conducted the investigation of Secretary Hillary Clinton's use of a personal email system during her time as Secretary of State. I received and accepted their unanimous recommendation that the thorough, year-long investigation be closed and that no charges be brought against any individuals within the scope of the investigation."

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THURSDAY'S EXPECTED NEWS/EVENTS:

There are no scheduled public events.

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PUBLIC AFFAIRS DAILY NEWS WRAP
MONDAY, JULY 11, 2016

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Contact: Wyn Hornbuckle, Deputy Director, Office of Public Affairs, (202) 514-2007

EXPECTED NEWS STORIES:

***Washington Post* and *New York Times* stories on Congressman Chaffetz Letter to DOJ Requesting New Investigation into Hillary Clinton (OPA)**
The Washington Post, *New York Times*, and other media outlets, are expected to publish stories on a letter sent from Congressman Jason Chaffetz to U.S. Attorney Channing Phillips of the District of Columbia earlier today, requesting a new investigation into former Secretary Hillary Clinton's alleged perjury and false statements made while under oath during past testimony before congressional committees. The department declined to comment.

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TUESDAY'S EXPECTED NEWS/EVENTS:

10:00 a.m. EDT Attorney General Loretta E. Lynch will testify before the House Judiciary Committee at an oversight hearing of the Department of Justice.
Rayburn House Office Building
Room 2237

Washington, DC 20515
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